Received at Taffe, at Mawden, December 1790.
J. Shaw.

THE HISTORY AND PROCEEDINGS OF THE LORDS AND COMMONS OF GREAT-BRITAIN, IN PARLIAMENT,

WITH REGARD TO THE

REGENCY:

CONTAINING

A FULL ACCOUNT of all their SPEECHES on the proposed REGENCY BILL, from November 20, 1788, to March 10, 1789, when His MAJESTY's happy Recovery took place, and put a Stop to all further Proceedings on that Subject.

To which are added,

THE THREE REPORTS OF THE PHYSICIANS;

MR. PITT's LETTER TO THE PRINCE OF WALES, WITH HIS ROYAL HIGHNESS's ANSWER;

THE REGENCY BILL, AS IT PASSED THE HOUSE OF COMMONS, AND WAS CARRIED TO THE LORDS, AND THERE READ A SECOND TIME;

AND

THE SPEECHES OF THE LORDS AND COMMONS OF IRELAND, ON APPOINTING THE PRINCE OF WALES REGENT WITHOUT RESTRICTIONS; WITH A COPY OF THEIR ADDRESS, AND THE PRINCE'S ANSWER.

LONDON:

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M DCC LXXXIX.

ADVERTISEMENT.

THE proceedings of the Lords and Commons, during the melancholy and critical ſituation of public affairs, occaſioned by the unhappy malady of the Sovereign, and the Debates on a Regency for ſupplying the deficiency in the executive branch of government, having been highly intereſting, not only on account of the very able and remarkable ſpeeches delivered on the occaſion, but as alſo forming an epocha in the hiſtory of the politics of this country, equally ſingular and important, from which poſterity may know how to act under ſimilar circumſtances. The publiſher has preſumed to offer an early publication of the whole, together with the Debates in the Iriſh Parliament, in one volume, in order that the country at large, and the more diſtant parts of the Britiſh Empire, may have the moſt regular and authentic information on ſo momentous a ſubject; and for the purpoſe of rendering it as compleat as poſſible, the Publiſher has collected together, in two volumes, the ſeveral Tracts on the propoſed Regency, containing a number of valuable precedents, as well as much uſeful knowledge to the Stateſman and Politician, which may be had either with or without the Proceedings of the Lords and Commons.

10*th of March*, 1789.

This Day is publiſhed, in Two large Volumes, Octavo.
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A

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ON THE PROPOSED

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IN THE

HOUSE OF COMMONS,

ON THE

SUBJECT

OF A

REGENCY.

Thurſday, November 20, 1788.

THE Chancellor of the Exchequer having taken his ſeat on the Treaſury Bench, the SPEAKER roſe at the table, and ſaid, that he believed there was not any new commiſſion iſſued for the farther prorogation of Parliament, and therefore begged to know, if it was the pleaſure of the Houſe that he ſhould take the Chair? The call of "Chair! Chair!" being general, he took his ſeat in the Chair, and proceeded to ſtate to the Houſe, that in purſuance of the directions of an Act paſſed in the 24th year of the reign of his preſent Majeſty, &c. authoriſing him to iſſue his warrant to the Clerk of the Crown, to make out writs for the election of Members to ſerve in Parliament, &c. during the receſs, he TheSpeaker

had iſſued his warrants for the election of new Repreſentatives for Clackmannanſhire in the room of Colonel Cathcart, deceaſed, for the Borough of Eaſt Grinſtead in the room of General James Cunninghame, deceaſed, for the Borough of Chriſt Church in Hampſhire, in the room of Sir James Harris, who had received the honour of Peerage, and for other repreſentatives for other Boroughs vacated by death. The Attorney, and Solicitor General, Mr. Bearcroft, Lord John Townſhend, Penniſton Powney, Eſq. Gerard Edwards, Eſq. Sir Hans Sloane, Bart. Matthew Bloxam, Eſq. then proceeded to take the uſual oaths at the Table.

Mr. Pitt. As ſoon as the New Members had been all ſeverally ſworn, the *Chancellor of the Exchequer* roſe in his place, and ſaid, it became his duty to inform them that their having been aſſembled together without the uſual ſummons and notice, that they were to meet for the diſpatch of buſineſs upon the Commiſſion for the laſt prorogation of Parliament expiring, was owing to the contingency of the unfortunate illneſs with which his Majeſty had been ſeverely afflicted, and which had prevented his ſervants from receiving his commands. That the few authorities that exiſted, which were at all ſimilar, in their application to the preſent ſingular ſituation of affairs, had been conſulted; but as they did not point out the poſſibility of iſſuing a new Commiſſion for the farther prorogation of Parliament, nor enable them to open the Seſſions in the uſual form, nor indeed in any way at all regular, he truſted that every Gentleman would agree with him, that under the preſent circumſtances it would be highly improper for the Houſe to proceed to the diſcuſſion of any public buſineſs whatever, and that it was abſolutely neceſſary for them to adjourn. He meant, therefore, before he ſat down, to ſubmit to their conſideration a motion for the adjournment of the Houſe at its riſing to that day fortnight. One more point, and one more point only, he ſaid, he had to ſubmit to them before he offered the Motion of Adjournment, which was, that if his Majeſty's illneſs ſhould unfortunately continue, contrary to the wiſhes and prayers of his people, longer than the propoſed period of a fortnight's adjournment, as it would be indiſpenſibly neceſſary for that Houſe to take into their immediate conſideration what meaſures were proper to be adopted, in order,

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as far as they were competent, to endeavour to guard againſt the dangers that might ariſe from the not being able to open the Seſſion in the uſual form, ſo it would be equally incumbent on them to enſure as full an attendance as he then ſaw, in order to give the proceeding, whatever it might be, all the weight and ſolemnity in their power, to contribute towards ſupplying the deficiency of the Royal Proclamation; he, therefore, ſubmitted to the conſideration of the Houſe the propriety of a Motion, which, with their conſent, he ſhould offer for a Call of the Houſe on that day fortnight, and that the Call might be rendered as effectual as poſſible, he ſaid, he ſhould accompany it with another Motion, directing the Speaker to write circular letters in the moſt ſerious and ſolemn manner, requiring the attendance of every Member on that day fortnight.

The Houſe ſignifying their approbation by their ſilence, the *Chancellor of the Exchequer* moved,

I. "That the Houſe at its riſing adjourn to that day fortnight."

II. "That the Houſe be called over on Thurſday the 4th of December next.

III. "That the Speaker be directed to ſend circular letters requiring the attendance of every Member on that day. And

IV. "That the Houſe do now adjourn.

The Houſe agreed to the three firſt-ſtated motions *nemine contradicente*, and upon the Queſtion being put, adjourned to that day fortnight.

Thurſday, December 4.

As ſoon as the Speaker had taken the Chair, The *Chancellor of* Mr. Pitt. *the Exchequer* roſe and after prefacing his preſenting a Copy of the Minute of the examinations of Dr. Warren, Sir George Baker, Sir Lucas Pepys, Dr. Reynolds, and Dr. Addington, on Oath before the Board of Privy Council, relative to the State of the King's health, the probability of his recovery, and the duration of his Indiſpoſition, with a Speech ſimilar in ſubſtance to that of

the Lord Preſident in the Houſe of Lords, was ordered to lay the Minute on the Table,

The ſame was read by Mr. Hatſell, and upon Motion was ordered to lie on the Table.

The *Chancellor of the Exchequer* then moved, "That the ſaid Minute be taken into conſideration on Monday next."

Mr. Vyner. Mr. *Vyner* felt himſelf unwilling to ſay a word on the ſubject, but declared, he could not help confeſſing that he entertained ſome doubt, whether a Minute of an examination before the Board of Privy Council, though taken on oath, was a ſufficient ground for a Parliamentary proceeding.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, that it would be time enough to diſcuſs any ſuch doubt on Monday.

Mr. Fox. Mr. *Fox* agreed with the Chancellor of the Exchequer, but acknowledged that he was glad the Hon. Member had mentioned his doubt, as a ſimilar doubt had occurred to him; in fact, before he came down to the Houſe he had not made up his mind upon the ſubject, although he was free to confeſs, that the Minute that had been read, appeared to him to be ſufficiently ſatisfactory.

The Queſtion being put, it was agreed to *nemine contradicente*.

Mr. Pitt. The *Chancellor of the Exchequer* next moved, that the Call of the Houſe, which ſtood as the Order of the Day, be adjourned to that day ſe'nnight, which was agreed to.

The Houſe then adjourned to Monday next.

Monday, December 8.

Mr. Pitt. The *Chancellor of the Exchequer* entered the Houſe about four o'clock, and as ſoon as he had taken his ſeat, roſe to ſubmit a few words to the conſideration of the Houſe previous to their entering upon the diſcuſſion of the Order of the Day. On Thurſday laſt, when the Motion had been made, "that the Minute of the Examination of the Phyſicians who had attended his Majeſty during his illneſs, (as delivered upon oath before the Lords of the Council) be that day taken into conſideration," it had been intimated that ſome Gentlemen entertained doubts, whether that would be the

the proper way to found a Parliamentary Proceeding? and he had at the time hinted an idea, that the Examination having been taken on oath would be ſufficient, but as he had ſpoken on the impulſe of the Moment, and was exceedingly deſirous that the mode of proceeding ſhould be perfectly ſatisfactory to the Houſe in general, he wiſhed to know if it was the ſenſe of any number of Gentlemen, that a particular enquiry before a Committee of their own Houſe would be a more regular way of proceeding, and whether the communication already made from the Privy Council of their Minutes, was not deemed fully ſufficient. He had farther to ſtate to the Houſe, that ſince their laſt Meeting, two more Phyſicians had been called in to attend his Majeſty, one of whom was peculiarly ſkilled in the treatment of Caſes, ſimilar to that under which his Majeſty unfortunately laboured. Theſe additional Phyſicians had alſo been examined before the Privy Council, but poſſibly their having been called in, might by ſome Gentlemen be conſidered as another, and a cogent reaſon for appointing a Committee of the Houſe to examine the Phyſicians; he had, therefore, thought it his duty to throw out theſe ſuggeſtions, that the Houſe might ſignify their ſenſe upon them; and alſo, if any Gentleman, or any number of Gentlemen, ſhould be of opinion that it would be more ſatisfactory to appoint a Committee, whether by an Inſtruction to the ſaid Committee, they might not be empowered to ſearch for Precedents, as well as to examine the Phyſicians, ſince on ſuch occaſions as the preſent, it would certainly be expedient to proceed with all the diſpatch neceſſary, that could be conſiſtent with the ſerioufneſs and ſolemnity of the ſubject under their conſideration. The Chancellor of the Exchequer concluded with moving, "That the Order of the Day be read."

This having been complied with,

Mr. *Vyner* ſaid, what had fallen from the Right Hon. Gentleman ſtruck him as rather extraordinary. The Right Hon. Gentleman talked of collecting the ſenſe of the Houſe, he wiſhed to be informed how the Right Hon. Gentleman could collect the ſenſe of the Houſe without ſome motion for the purpoſe? Mr. Vyner.

The *Chancellor of the Exchequer* juſtified his former ſuggeſtions, and ſaid he had merely thrown them out for the conſideration of the Houſe, and, therefore, did not think it at all extraordinary to Mr. Pitt.

do it in the mode that he had adopted. He perfectly well knew, that there was not any way of collecting the ſenſe of the Houſe fully and formally, but by a Motion; but what he endeavoured to find out was merely, whether it was the general opinion, or the opinion of any number of Gentlemen, that it would be deſireable to have an examination of the Phyſicians, who had attended his Majeſty, before a Committee; from the ſilence, he had collected that it would be more ſatisfactory to proceed in that way; and, indeed, the circumſtance of two more Phyſicians having been called in, appeared to him to amount to a ſtrong reaſon for proceeding in that way. Unleſs, therefore, he heard ſome objection to that idea, he would take the liberty of moving, "That a Committee "be appointed to examine the Phyſicians who have attended his "Majeſty, touching the ſtate of his health, and report ſuch ex-"amination to the Houſe."

Mr. Powys. Mr. *Powys* ſaid, the appointment of ſuch a Committee appeared to him to be the only way by which the Houſe could obtain proper intelligence for them to proceed upon, and he was glad that it came recommended by ſuch high authority; but he entertained his doubts, whether the Houſe could go farther on that day, than agreeing to the appointment of a Committee. He explained himſelf to mean, that it had better be a joint Committee of the two Houſes, not only to make the proceeding the conjoint act of both, but as he had found from the examination of precedents of former proceedings of an analogous nature, that the deficiency of the evidence given before a Committee of that Houſe ſingly (who could not adminiſter an oath) was cured by the witneſſes to be examined before a Joint Committee, being all ſworn at the Bar of the Houſe of Lords.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, he believed the mode of proceeding ſuggeſted by the Hon. Gentleman had been adopted, but that it had been for a long time abandoned, and he doubted whether it would not be adviſeable in the preſent inſtance to avoid recurring to it, as it might poſſibly cauſe either much difficulty or delay, each of which he conceived every gentleman muſt wiſh ſhould not be incurred. He would proceed to ſtate why he was of opinion, that the mode of proceeding ſuggeſted by the Hon. Gentleman might lead to difficulty or delay: he knew the inſtance the Hon.

Hon. Gentleman referred to, but he did not believe there were four inſtances on the Journals; and the mode of conſtituting a Joint Committee, as thoſe inſtances proved, had been to appoint double the number of Members of that Houſe, in proportion to the number of Peers appointed Members of the Committee by the Houſe of Lords; he much doubted whether the Houſe of Lords would conſent to the appointment of a Committee ſo conſtituted, and therefore as it muſt be extremely deſireable that no difference ſhould ariſe between the two Houſes, he thought it more prudent to appoint a Committee of their own, and act upon their Report.

Mr. *Burke* ſaid, he roſe not to controvert any one point in the Right Hon. Gentleman's argument, nor even to excite a doubt upon any thing he had ſaid, but merely to enter his proteſt, which he muſt ever do, on any occaſion, againſt what the Right Hon. Gentleman had ſtated on a former day, and juſt hinted at that day, though indeed he had not much reſted on it, viz. The inefficacy of an Examination before that Houſe, becauſe they had not the power to adminiſter an Oath to Witneſſes. Mr. Burke ſaid, he never would ſuffer that to be made an argument againſt the Houſe's proceeding in its inquiſitorial capacity, without reſiſting ſo dangerous a doctrine. Maimed and imperfect, cramped and limited as the Houſe might be in ſome particulars, he conjured them to preſerve all their capacities, and moſt eſpecially was it neceſſary for them to hold their capacities ſacred, and maintain them with firmneſs, in ſituations of extreme delicacy and importance, and ſuch he conſidered the preſent to be. He reminded them that in queſtions of the higheſt judicial importance, affecting conſiderations of the firſt magnitude, the Houſe had never ſatisfied itſelf but on the examination of witneſſes at their own Bar, or, what he conſidered as the ſame thing, before a Committee of their own Members, appointed by the Houſe, and acting as their repreſentative. He ſtated the caſe of a Divorce Bill, which, as they well knew, always originated in the Spiritual Court in Doctors Commons, where all the proceedings were upon oath; it next travelled to Weſtminſter Hall, where the witneſſes alſo delivered their evidence upon oath, and they were afterwards heard at the Bar of the Houſe of Lords upon oath likewiſe; and after that triple knot of evidence legally given, it was cuſtomary, when the Bill came

Mr. Burke.

down to that Houſe, for the Houſe to diſregard all that had paſſed, and to ground their proceedings with regard to the Bill on the evidence of the witneſſes examined at their own Bar, according to their own forms. The more arduous, delicate and difficult the buſineſs that came before the Houſe was, the more tenacious they ought to be of their privileges and capacities; and in order to enforce that it was that he had riſen, not to object to any of the principles or inferences of the Right Hon. Gentleman, but merely to queſtion one of his premiſes, which in his mind called for obſervation.

The *Chancellor of the Exchequer* moved the Queſtion, that a Committee be appointed, and that the Committee conſiſt of 21 Members.

This being agreed to, he next proceeded to name the Committee.

The following are the names of the Members appointed of the Committee.

The Chancellor of the Exchequer.

Lord North,	R. B. Sheridan, Eſq;
Right Hon. W. W. Grenville,	William Huſſey, Eſq;
Right Hon. C. J. Fox,	Lord Advocate of Scotland,
The Maſter of the Rolls,	Marquis of Graham,
Right Hon. F. Montague,	Lord Belgrave,
Attorney General,	Sir Grey Cooper,
Robert Vyner, Eſq;	William Wilberforce, Eſq;
Right Hon. Henry Dundas,	Right Hon. W. Wyndham,
Thomas Powys, Eſq;	Philip Yorke, Eſq;
Solicitor General,	Earl Gower.

Mr. Pitt. The *Chancellor of the Exchequor* ſubmitted it to the Houſe whether it was neceſſary to appoint a ſeparate Committee to ſearch for, examine, and report precedents, and ſo have two Committees; or whether it might not be moved as an Inſtruction to the Committee of twenty-one, to ſearch for, examine, and report precedents?

Mr. Montague. Mr. *Frederick Montague* ſaid, if the Right Hon. Gentleman did not object, he ſhould think it more regular to appoint a ſeparate Committee to ſearch for precedents, but to wait before the Houſe took that ſtep for the Report of the firſt Committee. To proceed in that way could cauſe but very little delay, and to appoint the Committee

Committee to ſearch for precedents previous to the receiving the Report of the Committee appointed to examine his Majeſty's Phyſicians, would look like proceeding to the ſecond ſtep before the firſt was completed.

Upon this ſuggeſtion the *Chancellor of the Exchequer* waved his firſt propoſition.

The uſual Orders were then made, viz.

" That the Committee have power to ſend for Phyſicians.

" That the Committee do meet, notwithſtanding the adjournment of the Houſe.

" That five or more be a quorum.

" That no Member, except thoſe of the Committee, be preſent.

" That the Committee do ſit immediately in the Speaker's Chamber."

Wedneſday, Dec. 10.

The *Chancellor of the Exchequer* appearing at the Bar with the Report of the Committee, " appointed to examine the Phyſicians who have attended his Majeſty, touching the ſtate of his health, and report ſuch Examination to the Houſe," was ordered to bring it up, and laid it on the table accordingly. Mr. Pitt.

The Report was read, and conſiſted of the ſeveral Examinations of Dr. Warren, Sir George Baker, the Rev. Dr. Willis, Dr. Giſborne, Dr. Addington, Sir Lucas Pepys, and Dr. Reynolds, who reſpectively declare the King at preſent incapable of meeting his Parliament, or attending to public buſineſs, but expreſs their hopes of his recovery, and ground their opinion of its probability on their experience, which has taught them that the majority of patients afflicted with the ſame diſorder have recovered, although they cannot pronounce when the preciſe point of time will arrive at which his Majeſty will be well.

As ſoon as the Examinations had been gone through, they were upon motion ordered to lie on the table.

Mr. *Rolle* then ſaid, he hoped the Examinations that had been juſt read might be printed; that the eyes of the whole nation were fixed on their proceedings, and anxious to know the true ſtate of his Majeſty's health; that if the authentic Report of the Committee appointed Mr. Rolle]

appointed to examine the Phyſicians was not printed, imperfect and mutilated accounts might be circulated, that might wound the feelings of the public; whereas there were opinions contained in the Report which held out hopes that could not fail, if given truly to the public, to diſpel the gloom which had hung over the nation for ſome weeks paſt.

Upon a cry of *Move! Move!*

Mr. Rolle. Mr. *Rolle* roſe again and moved,

"That a ſufficient number of copies be printed for the uſe of the Members."

Mr. Powys. Mr. *Powys* ſaid, if the Report was to be printed, he conceived time would be allowed for it to be circulated round the country, before the Houſe proceeded to take any one ſtep grounded on the information contained in the Examinations of his Majeſty's Phyſicians.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, eſſential as the printing of the Report would be to the ſatisfaction of the public, and unwilling as he was to deny them that ſatisfaction, he muſt, however reluctantly, object even to the Motion for printing it, if the paſſing of ſuch a vote was to be made the ground of argument for any further delay of a Motion, of which he had given notice laſt Monday, for the appointment of a Committee to examine and ſearch for Precedents, a Motion which a due regard to the public intereſts rendered neceſſary to be come to with all poſſible diſpatch, and which, as ſoon as the preſent queſtion was diſpoſed of, he ſhould ſubmit to the Houſe.

The Speaker then put the queſtion, which was carried.

Mr. Pitt. The *Chancellor of the Exchequer* roſe again, and obſerved, that the paper from the Privy Council, before laid upon the table, as well as the more regular examinations that had been that day read, gave the Houſe ſufficient information, both with regard to the melancholy ſubject which had occaſioned them to aſſemble, and the opinions of the Phyſicians, that afforded them reaſonable ground to hope that a happier moment would arrive than the preſent, though they had not been able to declare the preciſe point of time of its arrival: gratified, however, as they might be in that hope and expectation, yet the uncertainty with which their completion might be protracted, rendered it their indiſpenſible

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duty to proceed, notwithſtanding their regret for the occaſion, with every degree of diſpatch, and in the moſt reſpectful manner to take thoſe intermediate ſteps, which the unfortunate exigency of the moment required, in order to provide for the preſent ſerious ſituation of affairs, with a view to guard the liberties of the people from danger, and ſecure the ſafety of the country; that his Majeſty might have the gratification of knowing, when the happy moment of his recovery ſhould arrive, that the people whom he had loved and protected, had ſuffered as little as poſſible by his illneſs. The point to be agitated on this occaſion, Mr. Pitt obſerved, involved in it whatever was dear to the Intereſts of the Country; it involved in it whatever was valuable to the People, whatever was important in the fundamental principles of our free Conſtitution. The ſteps to be taken as preliminaries, therefore, to the diſcuſſion of this truly intereſting ſubject, were ſuch as he could not conceive could create any difference of opinion. That the Houſe ſhould have the advantage of the wiſdom of their anceſtors to guide their proceedings, and act upon the fulleſt information, he ſhould move for the appointment of a Committee to examine into, ſearch for, and report Precedents; from which Report they would be enabled to ſee what had been the ſteps taken in former moments of difficulty and danger, whence they might proceed with the greater ſecurity in providing for the preſent unfortunate and melancholy circumſtances of the country. After deſcanting to ſome extent upon the neceſſity of this mode of proceeding, the Chancellor of the Exchequer ſaid, he would not detain the Houſe by enlarging upon it any longer; but as, on the one hand, it would ſerve to throw all the light upon the ſubject that precedent and hiſtory could afford; ſo, on the other, as he conceived the Report of ſuch a Committee as he had mentioned might be made in the courſe of the preſent week, it could very little contribute to retard the diſpatch that was ſo deſireable, and muſt prove of no material inconvenience. With a view, therefore, to give their proceedings every neceſſary ſolemnity, and regulate them by every poſſible degree of caution, he ſhould take the liberty of moving,

"That a Committee be appointed to examine and report Pre-
"cedents of ſuch proceedings as may have been had, in caſe of
"the

" the perſonal exerciſe of the Royal Authority being prevented or " interrupted by infancy, ſickneſs, infirmity, or otherwiſe, with " a view to provide for the ſame."

Mr. Fox. Mr. *Fox* ſaid, he had the good fortune to agree with the Right Hon. Gentleman in moſt part of his ſpeech; undoubtedly it was their duty to loſe no time in proceeding to provide ſome meaſure for the exigency of the preſent moment, but that exigency was ſo preſſing in point of time, that he for one, would willingly diſpenſe with the motion then made. If the motion were carried, it muſt be conſidered, that it was loſs of time; what were they going to ſearch for? Not Precedents upon their Journals, not Parliamentary Precedents, but Precedents in the Hiſtory of England. He would be bold to ſay, nay they all knew, that the doing ſo would be a loſs of time, for that there exiſted no precedent whatever, that could bear upon the preſent caſe. The circumſtance to be provided for, did not depend upon their deliberations as a Houſe of Parliament, it reſted elſewhere. There was then a perſon in the kingdom different from any other perſon that any exiſting Precedents could refer to. *An* HEIR APPARENT *of full age and capacity to exerciſe the royal power.* It behoved them therefore to waſte not a moment unneceſſarily, but to proceed with all becoming ſpeed and all becoming diligence to reſtore the Sovereign power and the exerciſe of the Royal Authority. When the unfortunate ſituation of his Majeſty was firſt made known to that Houſe, by a preſentation of the minute of the Privy Council, ſome Gentlemen had expreſſed a doubt whether the Houſe could make ſuch a paper a ground of Parliamentary proceeding. Mr. Fox reminded the Houſe that he had gone farther, and declared, that he thought the Report of the Privy Council was not an authentic document, nor ſuch as that Houſe could make the ground of its proceedings. That defect had now been remedied, and the Houſe was, in conſequence of the regular examination his Majeſty's phyſicians had undergone before a Committee of their own, in poſſeſſion of the true ſtate of the King's health. That being known to the Houſe, and through them to the nation at large, he contended that it was then and then only the preciſe point of time for the Houſe to decide, and that a moment ought not to be loſt. In his firm opinion, *His Royal Highneſs the Prince of WALES had as clear, as expreſs a* RIGHT *to aſſume*

the

the reins of government, and exerciſe the power of ſovereignty, during the continuance of the illneſs and incapacity, with which it had pleaſed God to afflict his Majeſty, as in the caſe of his Majeſty's having undergone a natural and perfect demiſe. Mr. Fox ſaid, he thought it candid, entertaining this opinion, to come forward fairly, and avow it at that inſtant. With this opinion, as ſhort a time as poſſible ought to intervene between the Prince of Wales's aſſuming the Sovereignty and the preſent moment. He juſtified the Prince's not making this his undoubted claim himſelf, to his having been bred in thoſe principles which had placed his illuſtrious Houſe on the Throne, and to his known reverence and regard for thoſe principles as the true fundamentals of our glorious Conſtitution, in the maintenance of which his family had flouriſhed with ſo much proſperity and happineſs as Sovereigns of the Britiſh empire. Hence it was, that his Royal Highneſs choſe rather to wait the deciſion of Parliament, with a patient and due deference to the Conſtitution, than urge a claim that, he truſted, a majority of that Houſe and of the people at large admitted, and which he was perſuaded, could not be reaſonably diſputed. But ought he to wait unneceſſarily? Ought his Royal Highneſs to wait while Precedents were ſearched for, when it was known that none that bore upon the caſe, which ſo nearly concerned him, exiſted? Take it for granted, the Houſe agreed to the Motion, and proceeded by their Committee to ſearch for Precedents. What Precedents did the wording of the Motion point to? It ſpoke in general and indefinite language. Poſſibly it might mean Parliamentary Precedents, referring to ſuch contingencies as the preſent. If that were its meaning, ſuch words as "Parliamentary Precedents," ought to have been expreſſed in it. After urging theſe remarks cloſely, Mr. Fox ſaid, he ſhould not oppoſe the Motion, but he thought it his duty to ſay, that it was incumbent on the Houſe to loſe no time in reſtoring the third Eſtate. His Royal Highneſs, he was convinced, muſt exerciſe the Royal Prerogative during, and only during, his Majeſty's illneſs.—With regard to the examination of the Phyſicians, he would not take up the time of the Houſe with commenting on the particular anſwers and opinions of each. However the Phyſicians might have delivered opinions, that might in the minds of ſome men impreſs one turn of idea, and in the minds of others a very different turn of ideas,

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three points were, he thought, undeniable inferences from the whole of their examinations, in which he had aſſiſted above ſtairs. Theſe three points formed the reſult, and muſt be the *ſubſtratum* on which that Houſe muſt neceſſarily raiſe the ſuperſtructure, whatever it might be, that they ſhould deem it expedient to erect. He took the three points to be theſe:

1. That his Majeſty was incapable of meeting his Parliament or proceeding to buſineſs.

2. That there was a great proſpect and a ſtrong probability of his recovery.

3. But that with reſpect to the point of time, when that recovery would take place, they were left in abſolute doubt and uncertainty.

Mr. Fox ſaid, he hoped the Members of that Houſe would agree with him, that theſe three points formed the true, fair, uncoloured reſult of the examination of his Majeſty's Phyſicians. He recapitulated the general Heads of his Speech in his uſual manner, and after repeating his willingneſs to accede to every propoſition that was conſiſtent with the due ſolemnity of their proceeding upon ſo ſerious an occaſion, and declaring that he did not impute any deſire to create delay, or unneceſſarily avoid diſpatch, to the Right Hon. Gentleman who ſpoke laſt, Mr. Fox ſaid, he certainly would not reſiſt the Motion, although he had thought it incumbent on him to give his opinion on the ſubject freely and unreſervedly.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, that he would not then enter into debate, when the Motion before the Houſe had not been objected to, but that the Right Hon. Gentleman had thrown out an idea which, whatever he might have generally thought of him, as to his penetration and diſcernment, as to his acquaintance with the Laws and general Hiſtory of the Country, and as to his knowledge of the Theory of the Conſtitution (however he might repeatedly have found occaſion to differ with him in reſpect to his meaſures and opinions in his Practice under it) he defied all his ingenuity to ſupport upon any analogy of Conſtitutional Precedent, or to reconcile to the ſpirit and genius of the Conſtitution itſelf. The doctrine advanced by the Right Hon. Gentleman was itſelf, if any additional reaſon were neceſſary, the ſtrongeſt and moſt unanſwerable for appointing the Committee he had moved for, that

could poſſibly be given.—If a claim of right was intimated (even though not formally) on the part of the Prince of Wales, to aſſume the Government, it became of the utmoſt conſequence to aſcertain from Precedent and Hiſtory, whether this claim were founded, which if it was, precluded the Houſe from the poſſibility of all deliberation on the ſubject. In the mean time, he maintained, that it would appear from every Precedent and from every page of our Hiſtory, that to aſſert ſuch a right in the Prince of Wales, or any one elſe, *independent of the deciſion* of the Two Houſes of Parliament was little leſs than TREASON *to the Conſtitution of the Country.* He ſaid, he did not mean then to enter into the diſcuſſion of that great and important point, a fit occaſion for diſcuſſing it would ſoon afford both the Right Hon. Gentleman and himſelf an ample opportunity of ſtating their ſentiments upon it. In the mean time he pledged himſelf to this aſſertion, that in the caſe of the interruption of the perſonal exerciſe of the Royal Authority, without any previous lawful proviſion having been made for carrying on the Government, it belonged to the other branches of the legiſlature, on the part of the nation at large (the body they repreſented) to provide according to their diſcretion for the temporary exerciſe of the Royal Authority, in the name and on the behalf of the Sovereign, in ſuch manner as they ſhould think requiſite; and that, unleſs by their deciſion, the Prince of Wales had no right (ſpeaking of ſtrict right) to aſſume the Government, more than any other individual ſubject of the country. What Parliament ought to determine on that ſubject was a queſtion of diſcretion. However ſtrong the arguments might be on that ground, in favour of the Prince of Wales (which he would not enter into at preſent) it did not affect the Queſtion of Right, neither the whole nor any part of the Royal Authority could belong to him in the preſent circumſtances, unleſs conferred by the Houſes of Parliament.

The Chancellor of the Exchequer took notice of Mr. Fox's repeated enforcement of the Prince of Wales's claim, and admitted that it was a claim entitled to moſt ſerious conſideration; and thence argued, that it was the more neceſſary to learn how the Houſe had acted in caſes of ſimilar exigency, and what had been the deliberate opinion of Parliament on ſuch occaſions. He would not allow that no precedent analogous to an interruption of the perſonal

perſonal exerciſe of the Royal Authority, could be found, although there might poſſibly not exiſt a Precedent of an Heir Apparent in a ſtate of majority, during ſuch an occurrence, and in that caſe he contended, that it devolved on the remaining branches of the Legiſlature, on the part of the people of England, to exerciſe their diſcretion in providing a ſubſtitute. From the mode in which the Right Hon. Gentleman had treated the ſubject, the Chancellor of the Exchequer obſerved, that a new queſtion preſented itſelf, and that of greater magnitude even than the queſtion which was originally before them, as matter of neceſſary deliberation. The queſtion now was the queſtion of their own rights, and it was become a doubt, according to the Right Hon. Gentleman's opinion, whether that Houſe had, on this important occaſion, a deliberative power. He wiſhed, for the preſent, to wave the diſcuſſion of that momentous conſideration; but he declared that he would, at a fit opportunity, ſtate his reaſons for adviſing what ſtep Parliament ought to take in the preſent critical ſituation of the country, contenting himſelf with giving his contradiction of the Right Hon. Gentleman's bold aſſertion, and pledging himſelf to maintain the oppoſite of a doctrine ſo irreconcileable to the ſpirit and genius of the Conſtitution. If the Report of the Committee had not proved the neceſſity of the Motion he had made, the Right Hon. Gentleman had furniſhed the Houſe with ſo ſtrong an argument for enquiry, that if any doubt had exiſted, that doubt muſt vaniſh. Let it not then be imputed to him that he offered the Motion with a view to create delay; indeed the Right Hon. Gentleman had not made any ſuch imputation. In fact, no imputation of that ſort could be ſupported, ſince no longer time had been ſpent after the day of their firſt meeting, than was abſolutely neceſſary to enſure as full an attendance as the ſolemnity and ſerioufneſs of the occaſion required; ſince that time every day had been ſpent in aſcertaining the ſtate of his Majeſty's health, and now the neceſſity of the caſe was proved, it behoved them to meet it on the ſureſt grounds. Let them proceed therefore to learn and to aſcertain their own rights; let every man in that Houſe, and every man in the nation, who might hear any report of what had paſſed in the Houſe that day, conſider, that on their future proceedings depended their own intereſts, and the intereſt and honour of a Sovereign

vereign, deſervedly the idol of his people. Let the Houſe not, therefore, raſhly annihilate and annul the authority of Parliament, in which the exiſtence of the Conſtitution was ſo intimately involved.

Mr. *Fox* roſe to explain. He ſaid, the Right Hon. Gentleman had uſed what was with him an equivocal word, on the meaning and application of which depended the whole force of his argument. The Right Hon. Gentleman had talked of the *Parliament*. If he meant a Parliament, conſiſting of King, Lords, and Commons, he was very ready to admit, that a Parliament of that Conſtitution being full and complete, had it in its option and power to alter the ſucceſſion to the Throne, or in any other way change the exiſting laws and conſtitution. He was the laſt man to ſtand up in that Houſe the advocate of indefeaſible right, right *jure divina*, or to maintain any doctrine of ſo abſurd and monſtrous a nature; but ſpeaking of the two Houſes alone, and without the King, it was not treaſon to ſay, that the two Houſes could not make law, nay, it was expreſsly declared high treaſon by the ſtatutes of the realm for them to attempt it. Were he therefore either to deny that a Parliament conſtituted of the three eſtates, the King, Lords, and Commons, could make laws, or to aſſert that the two Houſes without the King, could of themſelves make laws, his Majeſty's Attorney General would warrantably proſecute him for treaſon, and he ſhould incur all the dangers of a premunire. But he would ſay again boldly, and without treaſon, that the two Houſes could not aſſume the functions of a Parliament. If that were treaſonable language, he muſt repeat and would abide by it. The Right Hon. Gentleman had talked of Parliament, he (Mr. Fox) knew not of any that there were then. The two Houſes had formed themſelves on ſuitable occaſions, as they well knew, into *Conventions*, and thoſe Conventions had acted uſefully, and glorioufly for the country, but they had not dared to call themſelves a *Parliament*; thoſe who ſat in them, knew the Conſtitution better, and had too ſincere a wiſh for its being preſerved in all its purity. He declared he held it to be a clear point, that they were not at that time a perfect Parliament. Whether there might be ſome in that Houſe, who had a wiſh to nominate, appoint, and, perhaps, to limit a Regent in the exerciſe of the So- Mr. Fox.

vereign Authority, he could not ſay; perhaps they might be driven by a declaration of that Houſe, to the neceſſity of an election of a perſon to exerciſe the Royal Prerogative; he had ever heard that the Crown was *hereditary* and not *elective*, and that becauſe it was thought beſt for the happineſs and freedom of the People. He had heard indeed of ſome old bigotted perſons, who formerly contended for indefeaſable right, and right divine, which no earthly power could annul, but all that abominable and pernicious doctrine had long ſince been reprobated and exploded. The Crown was declared hereditary by known laws, grounded on other and on wiſer principles; and did not thoſe laws that made the Crown hereditary, make the executive government of the country hereditary likewiſe? He would maintain the treaſonable words he had been charged with, that during his Majeſty's illneſs, and only during his incapacity to diſcharge the duties of the high office his Majeſty was inveſted with, his Royal Highneſs the Prince of Wales had an undoubted claim to exerciſe the Sovereign Authority in the name and on the behalf of his Royal Father. It was the duty of the two Houſes to reſtore the Royal Authority, and that immediately; and he denied the Right Hon. Gentleman, acute as he was, to contradict that aſſertion; but, if the two Houſes of Parliament took advantage of the preſent calamitous ſtate of the country, to arrogate to themſelves a power to which they had no right, they acted contrary to the ſpirit of the Conſtitution, and would be guilty of Treaſon.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, he did not riſe to reply, nor to uſe any equivocal language. He deſired to be underſtood, that it might be known what the point was, upon which the Right Hon. Gentleman and he were at iſſue. He aſſerted that to make a proviſion for the exerciſe of the executive power of the Government, during an interruption of the perſonal exerciſe of the Royal Authority, by ſickneſs, infirmity, or otherwiſe, did reſt with the remaining exiſting branches of the Legiſlature. It was a matter entirely in their diſcretion; what that diſcretion was, he ſhould not then diſcuſs, but ſhould only ſay, if the Right Hon. Gentleman's doctrine was what he underſtood it to be, namely, that the two Houſes had no ſuch diſcretion, but that his Royal Highneſs had a claim to the exerciſe of the Sovereign Power, which ſuperceded

ceded the right of either Houſe to deliberate on the ſubject, there was an eſſential difference between their reſpective arguments, and that difference conſtituted the point upon which they were at iſſue.

Mr. *Burke* declared, that the ſtyle and manner in which the Right Hon. Gentleman had debated the queſtion, had perfectly aſtoniſhed him; if ever there was a queſtion that peculiarly called for temper and moderation in the ſtyle and manner of its being debated, it was that to which the preſent argument referred; not an affliction of bodily infirmity, not an illneſs affecting the meaneſt and moſt periſhable part of the human frame, but when the moſt low and humiliating of all human calamities had fallen upon the higheſt ſituation. In that moment, when it peculiarly behoved every one of them to keep himſelf cool, and preſerve the little ſhare of reaſon with which God had bleſſed him, the Right Hon. Gentleman had burſt into a flame; he had fallen out into a fury, and, with a degree of unpardonable violence, accuſed others of treaſon, becauſe they had ventured to mention the rights of any part of the Royal Family. The Right Hon. Gentleman, in ſuch a caſe, Mr. Burke ſaid, muſt not only have been oblivious of what the people expected at his hands, but of what he owed to the importance and delicacy of the ſubject, and to his own high ſituation and character. The Right Hon. Gentleman had expreſſed his hopes for a Regency in a ſubject, at the very time that he was accuſing them of Treaſon. When he could not convince any one by his arguments, he had endeavoured to intimidate all who had dared to mention only the Rights of the Royal Family, and had threatened them with the laſh of the Law. Where was the freedom of debate, where was the privilege of Parliament, if the rights of the Prince of Wales could not be ſpoken of in that Houſe, without their being liable to be charged with Treaſon by one of the Prince's COMPETITORS!!! [Here a loud cry of *Order* from the other ſide of the Houſe.] Mr. Burke ſaid, he would repeat and juſtify his words. The Right Hon. Gentleman had expreſsly declared, that the Prince of Wales had no more right to claim the exerciſe of the Sovereign Power, than any other individual ſubject; he was warranted therefore in ſtating the Right Hon. Gentleman as having deſcribed himſelf as one of the Prince's Mr. Burke.

competitors. For his part, Mr. Burke ſaid, he was too humble in ſituation to make ſuch a renunciation of right to the Crown himſelf, but he would venture to ſay, that none belonging to the proudeſt and moſt exalted families, thoſe who enjoyed the higheſt dignities, and were loaded with the moſt ſplendid titles and honours, would dare to hope for a chance of the Regency, or to ſtate themſelves as having an equal right to claim it with the Prince of Wales. He then ironically ſaid, he muſt own he trembled when he conſidered that he ſtood before that Prince who held the laſh of vindictive law over the heads of thoſe who dared to queſtion the ſubject. The Right Hon. Gentleman had talked of the diſcretion of that and the other Houſe of Parliament; let him remember, that the firſt ſtep of diſcretion was coolneſs of temper, and let him ſhew his own diſcretion before he recommended it to others. Before he gave his *elective* vote, for he might poſſibly be made an *Elector* againſt his will, the Prince oppoſite to him, Mr. Burke ſaid, ought not to meaſure people of low and timid diſpoſitions by his own aſpiring greatneſs of ſoul. He had read in ſome old law book, that nothing was ſo dreadful as when a ſubject was convicted of Treaſon, without knowing what he had done that was treaſonable. Let the Right Hon. Gentleman recollect the 25th of Edward the Third, and not be ſo eager to hurl his conſtructive Treaſons on the heads of thoſe who differed from him reſpecting the Regency. He had ever underſtood, Mr. Burke ſaid, that our Conſtitution was framed with ſo much circumſpection and forethought, that it wiſely provided for every poſſible exigency, and that the exerciſe of the Sovereign executive Power could never be vacant. He put the caſe, that if he ſuppoſed that there might be a right in the Prince of Wales (in whoſe patent of creation, as Prince of Wales, he was declared and conſidered to be one and the ſame with the King) to ſucceed his father in the exerciſe of the Royal Prerogative, and ſhould proceed upon that ſuppoſition to urge a ſuit in the Court of Chancery, or any other Court, ſhould be liable to be convicted of an high crime and miſdemeanour for ſaying ſo. In that caſe, he conceived the charge of treaſon would not be made of a ſudden; but, if urged at all, it would be urged without any attempt at intimidation, any look of fury, or any voice of harſhneſs. But perhaps the charge was thrown out mere-

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ly to adviſe in the firſt place, that the Prince of Wales had no more right than any other perſon; and all his hitherto conceived notions of the meaning of a loud and moſt vehement tone of voice, was poſſibly wrong; it meant nothing more than to make the expreſſion it accompanied clearly underſtood. Be that as it might, if he were to give an elective Vote, it ſhould be in favour of that Prince, whoſe amiable diſpoſition was one of his many recommendations, and not in favour of a Prince, who charged the aſſertors of the right and claim of the Prince of Wales with conſtructive Treaſon.

The *Chancellor of the Exchequer* ſaid, if the Hon. Gentleman Mr. Pitt. who had condeſcended to be himſelf the advocate and the ſpecimen of moderation, had found any warmth in his manner of ſpeaking before, that led him to think he had not conſidered what he ſaid, he was ready to repeat it with all poſſible coolneſs, and knew not one word that he would retract. The Chancellor of the Exchequer then calmly re-worded the main point of his former argument, and maintained, that it was little leſs than Treaſon to the Conſtitution to aſſert, that the Prince of Wales had a claim to the exerciſe of the Sovereign Power during the interruption of the perſonal authority of his Majeſty by infirmity, and in his life-time; a claim that ſuperceded the deliberative power and diſcretion of the two exiſting branches of the Legiſlature. And, when he had ſaid the Prince of Wales had no more right to urge ſuch a claim than any other individual ſubject, he appealed to the Houſe upon the indecency with which the Right Hon. Gentleman had charged him with placing himſelf as the competitor of his Royal Highneſs. At that period of our hiſtory when the Conſtitution was ſettled on that foundation on which it now exiſted, when Mr. Somers and other great men declared, that no perſon had a right to the Crown independent of the conſent of the two Houſes, would it have been thought either fair or decent for any Member of either Houſe to have pronounced Mr. Somers a perſonal competitor of William the Third?

The Queſtion was then put and agreed to.

The following Members were named and moved as a Committee, viz.

The Chancellor of the Exchequer,

Welbore Ellis, Eſq;	Lord Adv. of Scotland,
The Maſter of the Rolls,	Marquis of Graham,
Right Hon. F. Montague,	Lord Belgrave,
Attorney General,	Sir Grey Cooper,
Robert Vyner, Eſq;	Wm. Wilberforce, Eſq;
Right Hon. Henry Dundas,	Right Hon. Wm. Wyndham,
Thomas Powys, Eſq;	Philip Yorke, Eſq;
Solicitor General,	Earl Gower,
R. B. Sheridan, Eſq;	Right Hon. W. W. Grenville,
William Huſſey, Eſq;	Right Hon. Edmund Burke.

The other uſual orders were made, viz.

"The Committee to ſit, notwithſtanding the adjournment of the Houſe."

"To adjourn from place to place, &c."

The *Chancellor of the Exchequer* then moved,

"That the Call of the Houſe, which ſtands for to-morrow, be put off to this day ſe'nnight."

The Houſe was upon Motion adjourned till to-morrow.

Friday, December 12.

Soon after four the Speaker took the Chair, when Welbore Ellis, Eſq. appearing at the Bar, with the Report of the Committee appointed "to examine, ſearch for, and report Precedents of ſuch proceedings, as may have been had in caſe of the perſonal exerciſe of the Royal Authority being prevented or interrupted, by infancy, ſickneſs, infirmity, or otherwiſe, with a view to provide for the ſame," he was ordered to bring up the Report, the title of which being read,

The *Chancellor of the Exchequer* moved, "That the ſaid Report do lie on the Table." This having been agreed to,

It was moved that the Report be printed.

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The *Chancellor of the Exchequer* said, he apprehended it would be neceſſary to allow a convenient time for the Houſe to conſider the contents of the Report, and examine and weigh their application, and force, before they came to any proceeding upon it; that as it was his earneſt wiſh to uſe every poſſible diſpatch conſiſtent with the due ſolemnity and acknowledged exigency of the caſe, he ſhould move that the Houſe would, on an early day in the courſe of next week, reſolve itſelf into a Committee, "to take into conſideration the preſent State of the Nation," to which Committee he ſhould likewiſe refer the Report, that had been juſt preſented, and that containing the examination of his Majeſty's Phyſicians. He had entertained hopes, that in conſequence of the preparation that had been made with a view to expedite the printing, that the copies might be ready for delivery next day, but he had juſt heard, that it would be impracticable, and that the copies could not be got ready for delivery before Monday. Tueſday therefore, he hoped, would be a day agreeable to the Houſe for the Committee he had named to ſit, and with a view the better to enable Gentlemen to make themſelves maſters of the contents of the Report, he took that opportunity of informing the Houſe, that all the Precedents contained in the Report were either taken from the Rolls of Parliament, the Statute Books of the Realm, or their own Journals. A Schedule of the whole, with references, was annexed to the Report, which, at leaſt, he hoped, might be ready for ſeparate delivery ſo early as the next morning, and ſuch Gentlemen as had the books in their poſſeſſion, might thereby be enabled to refer to them immediately, and proceed to an enquiry into the doctrines contained in that Report, without waiting for the delivery of the Printed Copy. Hoping that what he had ſaid, would prove ſatisfactory to the Houſe in general, he would take the liberty of moving, Mr. Pitt.

"That this Houſe will, on Tueſday next, reſolve itſelf into a "Committee of the whole Houſe to take into conſideration the "State of the Nation."

The Queſtion having been put from the Chair,

Mr. *Fox* ſaid, he did not mean to oppoſe the Motion, nor to argue for a later day. He roſe for two purpoſes, which he felt incumbent upon him to loſe no time in laying before the Houſe, and

the more eſpecially, as they had reference to what had paſſed upon the ſubject that did then engage, and had for ſome days paſt engaged their moſt ſerious attention. The firſt purpoſe was what he never roſe for before, ſince he had been a Member of that Houſe. No Member was more indifferent to newſpaper paragraphs, reports and repreſentations than he was; he never ſcarcely looked into any of their accounts of what he ſaid in that Houſe without finding ſome part of his ſpeech miſrepreſented, but he had thought it beneath him to take any notice of it himſelf, truſting, that if he had expreſſed himſelf clearly, the candour of that Houſe, and the recollection of thoſe who heard him, would do him juſtice. What he roſe then to complain of, was a very different matter. There had, he ſaid, been repreſentations or rather *miſ*-repreſentations, not in newſpapers, not in pamphlets, not in Coffee-houſes, but there had been miſrepreſentations of what he had ſaid in that Houſe on Wedneſday laſt, publicly made before a public and auguſt aſſembly, by a grave perſon, in high authority, and of dignified rank. He deſired mankind to judge him and his opinions from the ſenſe of thoſe opinions, and his meaning as explained at the time. There were, he ſaid, different ſorts of miſrepreſentations; there might be ſome wilful and intentional miſrepreſentations, others ariſing rather from levity, caprice, and wantonneſs, than miſchievous deſign, and again another deſcription of miſrepreſentations ariſing from the miſconception of honeſt minds, made by perſons who were themſelves miſtaken, and acted upon that miſtake. Under which of theſe deſcriptions of miſrepreſentation he had fallen, he would not take upon him to determine; poſſibly he might not have expreſſed his meaning clearly, though he thought he had ſpoken in a manner ſo explicit, that no man could miſunderſtand him; he was ſure it aroſe not from any contempt of his auditors, that he had not rendered himſelf more intelligible, but merely from the want of power and capacity to convey to their minds what ſo forcibly impreſſed his own; be that as it might, however, what had been underſtood to be his meaning, or what had been miſrepreſented to have been his expreſſion and ſentiment, when ſpeaking as a Member of Parliament, ought not to have been treated as it had been; as if public proceedings, of a grave and ſolemn nature, ought to be grounded on ſo unſubſtantial a

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foundation. After much introductory remark of this tendency, Mr. Fox ſaid, the firſt thing he muſt clear himſelf from, was the ſuppoſition of having ſpoken from the authority of any perſon whatever, much leſs from the authority of his Royal Highneſs the Prince of Wales. He had ſpoken merely of himſelf, and delivered his opinion as an individual Member of Parliament. In that private capacity, and without the Prince of Wales's authority, he had freely delivered his opinion, and the opinion he had ſtated and meant to ſtate was, that from the moment that the two Houſes of Parliament declared the King unable to exerciſe the Royal Sovereignty, from that moment *a right to exerciſe the Royal Authority attached to the Prince of Wales.* But he muſt ſtate what that *right* was, that ſo attached; and he would truſt to the recollection of Gentlemen, whether he had not ſo explained it, when he had laſt occaſion to ſpeak upon the ſubject. A new term had been put into his mouth in another place, which he had not uſed; it had been ſaid, that he had declared "the Prince of Wales had a right to ASSUME the Royal Authority upon the interruption of its perſonal exerciſe in conſequence of the King's illneſs and incapacity." What he meant was this: He conceived the exerciſe of the Royal Authority to be the right, under ſuch circumſtances, of the Prince of Wales; but he had ſpoken of it as a *right* and not the *poſſeſſion.* Before the Prince could exerciſe that right, he muſt appeal to the Court competent to decide whether it belonged to him or not, or muſt wait till that Court on the part of itſelf, made ſuch declaration. That Court was compoſed of the two Houſes of Parliament, while they were ſitting; the Prince had the right, but the adjudication of that right, belonged to the two Houſes. The more clearly to underſtand this, it was neceſſary to explain the preciſe meaning of the word *election*, and to contraſt it with the term *adjudication.* That Houſe could *legiſlate* and *provide* ſuch meaſures as it deemed adviſeable for the public intereſt; when they individually gave their votes for ſuch perſons whom they thought moſt fit to repreſent them in Parliament, they made their *Election* of their Repreſentative; but when they ſat in a Committee above ſtairs to try whether A. or B. was entitled to a ſeat as Repreſentative of ſuch or ſuch a Borough, they ſat as Judges, and their report was an *adjudication*

of

of the right of A. or B. If Gentlemen would do him the honour to recollect his manner of treating this ſubject on the preceding day, they would he hoped do him the juſtice to admit, that the meaning that he had now explained, was preciſely that which his words on a former occaſion had then been calculated to convey, and that he neither talked of the *uſurpation* of the two Houſes, nor ſuggeſted a ſingle idea to warrant the imputing to him any intention of that ſort or any thing like it. Let it be recollected where he was ſpeaking, and to whom he was addreſſing himſelf;——to the Houſe of Commons, one of the conſtituent parts of the very Court that was to make the adjudication of the Prince's right. Let it be recollected likewiſe, whether the reſt of his argument, both in ſpeech and his reply, did not go expreſsly to the nature of the Prince's right, as he had now defined it. He had, in terms the moſt explicit and unequivocal, aſſerted it as his opinion, that when that and the other Houſe of Parliament declared his Majeſty incapable of exerciſing the Royal Authority, that was the preciſe period of time when the Prince's right attached, and when that Houſe ought not to delay in reſtoring the Royal Authority. Had he not ſaid, that the ſame principles that made the Crown hereditary, made the executive power, and the government of the country, hereditary likewiſe? Upon that ground it was, that he had argued as he had done, and that he conceived to be the nature of the Prince of Wales's right. Having thus, as he hoped, clearly explained his meaning, he was free to acknowledge, that more differences of opinion prevailed reſpecting the right of the Prince of Wales to exerciſe the Royal Authority, under the circumſtances ſo often ſtated, than he could have expected, but much of that difference of opinion, he found, aroſe from ſome nice, logical, and legal diſtinction, taken between the term *right* and *claim*, diſtinctions more equivocal in his mind than ſolid and ſubſtantial, and which were reſted on arguments and principles, that he confeſſed his underſtanding was too dull to comprehend. One idea he had learnt was, that it was allowed by ſome, that the Prince of Wales had an irreſiſtible claim, which the Parliament could not reject or refuſe, whenever it was made, without forfeiting their duty to the Conſtitution. To that idea, he, for one, had no objection; becauſe he knew no difference between an irreſiſtible claim, and an inherent right. In another place, the

right

right of the Prince of Wales had been gone into deeply, and that by perſons every way qualified to diſcuſs it, who all gave their ſanction and authority to his opinion. If the Prince of Wales had done him the honour to have aſked his advice how to proceed, he ſhould have told him, as Parliament was ſitting, that he thought his Royal Highneſs might have ſent a meſſage to either Houſe, or to both Houſes of Parliament, ſtating his claim, and calling upon them to decide upon it. But as he had ſaid on a former day, his Royal Highneſs's forbearance was ſuch, that he would ſend his claim to neither Houſe of Parliament; but would wait patiently, and with due deference, being conſcious, that the two Houſes ought to *find* that claim, and reſtore the Royal Authority. Mr. Fox ſaid, he could not help thinking, that the conduct of his Royal Highneſs deſerved the commendation he had beſtowed on it, and was entitled to univerſal applauſe.

Having thus cleared his ground of the firſt purpoſe, for which he profeſſed to have riſen, Mr. Fox declared, he had entertained ſanguine hopes that in the adjuſtment of a buſineſs of ſo very delicate and important a nature, men of every deſcription would have concurred in one leading and eſſential circumſtance, viz. that let there exiſt what doubt there might, of the Prince of Wales's *right* to exerciſe the Royal Authority under the preſent circumſtances of the country, there could be none of the propriety of inveſting him with the ſole Adminiſtration of the Government, and with the unlimited exerciſe of all the Regal Functions, Powers, and Prerogatives. He had not yet abandoned theſe hopes altogether. Reſcuing himſelf from the effect of miſrepreſentation, in a particular, reſpecting which he ſhould have been extremely ſorry to have been miſunderſtood, had been one of the purpoſes for which he had riſen to trouble the Houſe that day; a deſire, if poſſible, as far as in him lay to render the future proceedings of the Houſe leſs difficult than they otherwiſe might be, was the other. The Right Hon. Gentleman, he obſerved, had named an early day, for the Houſe to reſolve itſelf into a Committee of the whole Houſe, to take into conſideration the State of the Nation; he did not mean by an early day, a day too early. He had before declared, that after the authentication of the King's incapacity, the Houſe ought not to loſe any time in reſtoring the Royal Authority, but it was

not

not undeſireable that the Houſe ſhould be enabled to know what ſort of propoſition it was that the Right Hon. Gentleman meant to come forward with on Tueſday, in order to be able to turn it in their minds, and come prepared to diſcuſs it with ſome degree of knowledge of its propriety and expediency. He wiſhed the Right Hon. Gentleman not to regard him as hoſtile on the preſent occaſion. He knew it was ſo uſual for the Houſe to ſee the Right Hon. Gentleman and himſelf acting in an hoſtile point of view towards each other, that it was difficult to conſider them in any other light; but what he now ſuggeſted, he ſuggeſted on grounds of general convenience, devoid of any party conſideration whatever. If the Right Hon. Gentleman did not feel the propoſition that he had made as he did, he could only lament that he did not. He ſhould hope, however, that the Right Hon. Gentleman might not think it unfit to give the Houſe ſome general outline of what he meant to ſtate to the Committee on Tueſday next, that Gentlemen may not then be puzzled with the novelty of the propoſition, and embarraſſed how to vote. He was inclined to hope, Mr. Fox ſaid, that, as to eſſential points, the difference between the Right Hon. Gentleman and himſelf was extremely minute; an advantage therefore would reſult from a communication of the intended propoſition; the opinions of weighty men upon it might be aſcertained, and thence it might be ſeen whether arrangements might not be made to reconcile difference on ſmall points, in order that the Queſtion, whatever it might be, might not be carried by a diviſion or majority of the Houſe, but that it might be carried with perfect unanimity. What ſome conceived a *Right* in the Prince of Wales, others might deem at the diſpoſal of the two Houſes of Parliament; but that was a difference of opinion of no material import to the main conſideration of the act they were to do, and which they muſt proceed to in ſome ſhape or other. When the thing itſelf was decided, it would remain to determine by what mode to notify it. He conceived, there could be but two regular methods; one by a declaration, the other by an addreſs, or perhaps both conjointly by the two Houſes. He knew not whether the Right Hon. Gentleman would be willing to communicate the outline of what he meant to ſtate to the Committee on Tueſday; but he had no difficulty to declare unreſervedly what his opinion was upon the ſubject, if the

opinion

opinion of ſo inſignificant an individual as he was were worth attending to. His opinion was, *to declare his Royal Highneſs* REGENT, *for the purpoſes of exerciſing* all *the Regal Powers, in the ſame manner, and to the ſame extent, as they might have been exerciſed by his* MAJESTY, *had his health been ſuch as to render him capable of continuing to exerciſe the Royal Authority.* That was his opinion, and the Houſe would ſee it was a plain, ſimple, intelligible propoſition. If the Right Hon. Gentleman's propoſition came near his, ſomething ought to be ſacrificed to unanimity, and he ſhould be ready to give up on his part, in proportion as the Right Hon. Gentleman would expreſs the ſame willingneſs to accommodate. Though it was abundantly more deſireable to carry a queſtion of ſuch infinite magnitude by the univerſal and unanimous conſent of the Houſe, than by a majority, yet if the Right Hon. Gentleman's opinion differed widely from his, ſo widely, that there was no chance of reconciling the one to the other, he ſhould be reduced to the neceſſity of dividing, and ſeeing which gained the majority. He declared, he ſhould be willing to ſacrifice much for the purpoſe of making unanimity, becauſe he thought it above all things deſireable. In the great point there could be no difference of opinion. They muſt all agree, that it was in the firſt inſtance their buſineſs to ſet up ſomething for the regal power; and who would they ſet up but the Prince of Wales, who certainly had the firſt intereſt in the welfare of the kingdom, his Majeſty alone excepted? He urged the Right of the Prince as an abſtract point, and as ſuch, the ſtating it was, in his opinion, a powerful argument. But what ſignified differences upon abſtract points, where the ſubſtance was indiſputable? The field was a wide one, and his object then, as it had been in the debate of Wedneſday, was to lead the mind to what point Gentlemen ought to look. *De qua re agitur* was the matter he wiſhed to aſcertain, and with that view he had called upon the Right Hon. Gentleman to ſtate the outline of the propoſition he meant to come forward with next Tueſday. Perhaps, as the Right Hon. Gentleman was in full poſſeſſion of what ought to be done, in *his* (Mr. Fox's) opinion, the Right Hon. Gentleman might feel the leſs objection and difficulty in ſtating his own opinion. All he wiſhed was, that the Houſe might know what they were to expect in that particular, and not come altogether

unprepared to meet it, when the propoſition ſhould be regularly made. In the beginning of his ſpeech, he had endeavoured to explain a matter, reſpecting which he had been miſrepreſented in another place. He hoped he had done it ſatisfactorily; but if any Gentleman entertained a doubt upon any part of what he had ſaid, he ſhould be happy to riſe again to anſwer any queſtion on that ſubject, and to give the fulleſt explanation.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, he did not riſe to debate at large on the topics to which their attention had been called by the Right Hon. Gentleman. They had juſt received a voluminous Report from the Committee appointed to ſearch for Precedents, in order that the Houſe might have every information before them to guide their proceedings under the preſent arduous and ſingular ſituation of the country, that the wiſdom of their anceſtors, the ſtatutes of the realm, and the records of Parliament could afford; and he had moved to refer that Report, together with the examination of his Majeſty's Phyſicians to the Committee of the whole Houſe, who were to take the ſtate of the nation into their conſideration next Tueſday. In that Committee the topics touched on by the Right Hon. Gentleman would neceſſarily undergo an ample diſcuſſion. In the laſt debate on the ſubject, there appeared to be a point at iſſue between the Right Hon. Gentleman and himſelf; and from all that the Right Hon. Gentleman had then ſaid, it ſtill appeared to be no leſs at iſſue than before. The Right Hon. Gentleman had explained, as he thought proper, the meaning of a very eſſential part of his ſpeech on Wedneſday laſt. The Chancellor of the Exchequer ſaid, that he ſhould be ſorry to fix on any Gentleman a meaning, which he afterwards declared *not to have been* his meaning. In whatever way, therefore, he had before underſtood the Right Hon. Gentleman's words relative to the Prince's *forbearing to aſſert his claim*, &c. he was willing to take the matter upon the Right Hon. Gentleman's preſent explanation, and to meet it upon thoſe grounds, upon which he had then, after maturer deliberation, placed it. The Right Hon. Gentleman now aſſerted, that the Prince of Wales had a *Right* to exerciſe the Royal Authority under the preſent circumſtances of the country; but that it was as a right not in poſſeſſion, until the Prince could exerciſe it on, what the Right Hon. Gentleman called, the *adjudication*

dication of Parliament. He on his part denied that the Prince of Wales had any *right* whatever, and upon that point the Right Hon. Gentleman and he were ſtill at iſſue; an iſſue, that in his opinion muſt be decided before they proceeded one ſtep farther, in mined. the great and important conſiderations to be diſcuſſed and deter-

One part of the Right Hon. Gentleman's Speech, Mr. Pitt ſaid, he muſt take notice of, as the Right Hon. Gentleman's ideas in that point had not appeared to him to be quite accurate and diſtinct. He ſeemed to have intended to have renounced all idea of the Prince of Wales's right to *aſſume* the exerciſe of the Royal Authority under the preſent or ſimilar circumſtances without the previous adjudication of Parliament, or of the two Houſes; but if he underſtood the Right Hon. Gentleman correctly, he had uſed the word *during the ſitting* of Parliament; the plain inference from which expreſſion was, that if Parliament were *not ſitting*, the Prince of Wales could ASSUME the exerciſe of the regal authority. The Chancellor of the Exchequer declared that he thought the Prince of Wales could, *in no one caſe*, have power to *aſſume the right*. If there were no Parliament in exiſtence, he granted that the Heir Apparent, acting in concert with other perſons in great ſituations, might, under ſuch circumſtances as the preſent, have iſſued writs, and convened the two Houſes, for the purpoſe of providing for the exigency. Such a proceeding would be juſtified by the neceſſity of the caſe, and with a view to the ſafety of the nation, which ſuperceded all forms; but that it would be a *legal* and *formal* ſummons of the Parliament, or that a Parliament could be called together without legal authority, he muſt abſolutely deny. Such a Meeting would be a Convention, like to that aſſembled at the time of the Abdication of James the Second, and in other periods of difficulty; but it could not be a *legal* and *formal calling together* of a Parliament. With regard to the queſtion of the Prince of Wales's right of *aſſuming* the power during the intermiſſion of Parliament, and his right not in poſſeſſion (as it was called) during the ſitting of Parliament, he need not reſt much upon the diſtinction, denying, as he did, that *any right to aſſume* the Regal Authority under any circumſtances, independent of the conſent and approbation of Parliament, exiſted in the Prince of Wales. But ſuppoſing the right of aſſumption of

Royalty

Royalty given up altogether, and that the Prince muſt have the right adjudged by Parliament, he denied that they were canvaſſing a *right* and acting as *Judges*, as the Right Hon. Gentleman had declared they were. It was ſubverſive of the principles of the Conſtitution to admit, that the Prince of Wales might ſeat himſelf on the Throne, during the life-time of his father, and the intimation of the exiſtence of ſuch a right, (as he had remarked on a former occaſion) preſented a queſtion of greater magnitude and importance even than the preſent exigency and the proviſion that it neceſſarily required; a queſtion that involved in it the principles of the Conſtitution, the protection and ſecurity of our liberties, and the ſafety of the State! Whatever, therefore, might be the order of their proceeding, he hoped there would be an unanimous concurrence of opinion, that it was impoſſible to let the Queſtion of Right, that had been ſtarted, be diſmiſſed, without its being fully diſcuſſed and decided; it was a queſtion that ſhook the foundation of the Conſtitution, and upon the deciſion of which all that was dear to us as Britons depended. In his opinion, therefore, it was their firſt duty to decide, whether there were any right in the Prince of Wales to *claim* the exerciſe of the Regal Power, under *any* circumſtances of the country, independent of the actual demiſe of the Crown. In the diſcuſſion of the powers with which a Regent was to be inveſted, there might be differences of opinion, whether the *whole* of the Royal Prerogatives ſhould be delegated on the grounds of expediency; there might be differences of opinion whether a *portion* only of the Royal Authority ſhould be delegated, and a part reſerved on the grounds of prudence and diſcretion. Theſe were important topicks, which they could not diſcuſs, unleſs they firſt knew, whether they were ſitting as Judges, or as a Houſe of Parliament poſſeſſing a power of deliberation, and capable of exerciſing a conſtitutional diſcretion. They muſt firſt aſcertain, whether *that* which ſhould be veſted in the hands of the Prince of Wales, was matter of *adjudication* on their part, of *right* in his Royal Highneſs, or as a *truſt* in behalf and in the name of his Majeſty; and therefore he ſhould think it his duty to bring forward the queſtion of Right as a Preliminary queſtion. If that queſtion ſhould be decided in the affirmative, there would be no need of ſpecific meaſures; if on the contrary, the way would be cleared, and the Houſe would know

know how to proceed. He had, he ſaid, mentioned the alternative, but God forbid that the fatal alternative ſhould be decided in favour of the intimated Right of the Prince of Wales! Having thus gone through thoſe parts of Mr. Fox's ſpeech, that referred to what had been ſaid of the Right of the Prince of Wales, the Chancellor of the Exchequer took notice of the call which Mr. Fox had made upon him, relative to the future propoſitions to be brought forward by him in the Committee that had been moved for, to take into conſideration the State of the Nation. He ſaid, if the queſtion of Right ſhould be decided, as he thought it muſt be, upon conſtitutional principles, he ſhould in that caſe certainly proceed to propoſe meaſures for providing for the interruption of the Royal Authority, occaſioned by his Majeſty's preſent incapacity to exerciſe it; and as he was always happy, when he could concur with the requiſition of the Right Hon. Gentleman, he would ſtate the outline, without feeling any prejudice to the perſon who had called for it; but he begged to have it underſtood, that what he was about to ſtate was not to be a matter of Debate at that moment, nor were any arguments then to be raiſed upon it. He proceeded to declare,

That however decided he might be in his opinion againſt the whole or any part of the Regal Power being veſted in the Prince of Wales, as a matter of right (*in any way in which that right had been explained,*) *he was equally ready to ſay, that as a* matter of diſcretion, and on the ground of expediency, *it was, in his opinion, highly deſirable, that whatever part of the Regal Power it was neceſſary ſhould be exerciſed at all, during this unhappy interval, ſhould be veſted in a* ſingle *perſon, and that perſon the* PRINCE *of* WALES. *That he alſo thought it moſt conſiſtent with true conſtitutional principles, and moſt for the public convenience, that his Royal Highneſs ſhould exerciſe that portion of authority* (*whatever it might be*) unfettered by any permanent council, *and with the* free choice *of his political ſervants. With regard to the portion of Royal Authority which ought to be given, or that which ought to be withheld, it would be premature in this ſtage to enter into the particular diſcuſſion of it; but he had no objection, even now, to declare in general, that whatever authority was neceſſary for carrying on the public buſineſs with vigour and diſpatch, and for providing during this interval for the ſafety*

and intereſts of the country, ought to be given; *but on the other hand, any authority not neceſſary for theſe purpoſes, and capable of being by poſſibility employed in any way which might tend to embarraſs the exerciſe of the King's lawful authority, when he ſhould be enabled to reſume it into his own hands*, ought to be withheld; *becauſe, from its being given, more inconvenience might ariſe to the future intereſts both of the People and of the Crown, than any which could ariſe in the mean time from its temporary ſuſpenſion.*

The principles of this explicit declaration of his intention he juſtified on the ground, that whatever was given to the Regent, or with-held, ought to be given with a view to the moment when his Majeſty ſhould be capable of reſuming his rightful prerogatives, a circumſtance to which it peculiarly became him to look, in the ſituation in which he ſtood, honoured with the confidence of a Sovereign to whom he was bound, and ſtrongly attached by the ties of gratitude and duty—but of that he would ſay no more. Whatever judgment might be formed of what he had ſaid, he was conſcious of having given a free and an honeſt opinion, and was ſatisfied with that conſciouſneſs. He conceived it could not be thought neceſſary for him to go any farther into the ſubject, as the adjuſtment of the whole proceeding muſt reſt with the Committee on the State of the Nation, where it would be neceſſary to come forward with the different propoſitions ſeparately, and to proceed ſtep by ſtep to mark and define by diſtinct reſolutions, what parts of the Royal Prerogative ſhould be given to the Regent, and what with-held.

Mr. Fox. Mr. *Fox* ſaid, the Right Hon. Gentleman had in his opinion pretty nearly ſtated every thing that he had deſired, and indeed full as much as he either did, or had any right to expect from him, and that with extreme candour. The Right Hon. Gentleman had taken a diſtinction between the *right* of the Prince of Wales, while Parliament was *ſitting*, and his *right* while Parliament was *not ſitting*, and had aſked what would have been the Prince's conduct under the latter circumſtance? In that caſe, Mr. Fox ſaid, he ſuppoſed the Prince would have done what the Right Hon. Gentleman had ſtated might have been done; he would have convened the two Houſes of Parliament, and referred to that Convention, the conſideration of the State of the Nation, and expected when they declared

declared the incapacity of the King, that they would have alſo declared his Right to the Regency. Some words, he obſerved, had ſlipped into the Right Hon. Gentleman's ſpeech which ſeemed to inſinuate, that he had put the Regency in a point of view very different from that in which he had placed it. The Right Hon. Gentleman had ſaid, that Houſe was to decide whether it was a *Right* or a *Truſt*. When he (Mr. Fox) had ſtated that the Prince of Wales had a Right to exerciſe the Royal Authority, he moſt undoubtedly meant to exerciſe it as a truſt from the people, which Parliament might reſume, alter and modify, juſt as Parliament thought proper. If that truſt were abuſed eſſentially, the people of England might reſume it without the Parliament, as had been done in the caſe of the Revolution. The Regency was a truſt, on behalf of the People, for which the Prince was reſponſible, in like manner as his Majeſty, and every Monarch that ever ſat upon the Throne, were reſponſible for the due execution of their high office; Sovereignty was a truſt depending on the natural liberties of mankind. But his notions on Revolution doctrines had been ſo often ſtated, and were, he conceived, ſo well known in that Houſe, that he ſcarcely ſuppoſed it would be imputed to him, that he meant to deny that the Regency was a *truſt*; ſo far from it, he had upon that ground urged the Prince's right to be *hereditary*, conceiving an hereditary ſucceſſion the beſt ſecurity to the people for the due diſcharge and faithful execution of the important truſt veſted by them in their Governors. Mr. Fox took notice of the abſtract queſtion of Right, which the Right Hon. Gentleman had declared he would bring forward in the Committee on the State of the Nation, and ſaid till he ſaw the words of the propoſition, it was impoſſible for him to ſpeak to it. It might be a propoſition which the Committee might affirm; it might be a propoſition which the Committee might deny; or it might be a propoſition which the Committee might neither affirm nor deny, but wave the conſideration of. With regard to the ſteps which the Right Hon. Gentleman had ſaid he would take in the Committee, there might be objections offered to his intended mode of proceeding, and he would ſtate what thoſe objections were, without arguing upon any of them. The Right Hon. Gentleman had ſaid, to whom the powers of the Royal Authority ſhould be entruſted; and after re-

ſolving that, he had declared that only a portion of thoſe powers ſhould be given. A queſtion might ariſe between thoſe two ſteps, viz. a Debate whether there ſhould be a *portion* or the *whole* of the Royal Authority veſted in the Regent? Mr. Fox conſidered this in the two different points of view, as a queſtion of right, and as a queſtion of expediency. He doubted whether the plan of proceeding ſtep by ſtep could legally be purſued; and whether, allowing for the moment, that the Prince of Wales had *no right*, the two Houſes of Parliament could propoſe an Act of Legiſlation. He doubted alſo, whether they muſt not neceſſarily, in the firſt inſtance, ſet up ſomething for a King, to give his conſent to the propoſed defalcation of Royal Authority, whatever it might be. Reſtoring the Royal Authority, ſeemed to him to be clearly the firſt ſtep that muſt be taken, and that the two Houſes could not bargain with the Regent before hand for the diminution of the regal power. He profeſſed, he ſaw no ſort of neceſſity for coming to a diviſion on an abſtract propoſition, when they had meaſures of ſo much ſolidity and ſubſtance to take; where the portion of power that muſt be given would be ſo much, and that which muſt be withheld ſo little, that ſtating an abſtract propoſition was, in his mind, uſeleſs; he thought it therefore much better to wave it, and for both Houſes to convince men by their acts, and not by abſtract reſolutions. The Right Hon. Gentleman's intentions, he obſerved, were plain and manifeſt; and he had, on his part, expreſsly ſtated his opinion on the ſubject, viz. to inveſt his Royal Highneſs with the *whole*, not a *portion* of the Royal Powers; both ſides of the Houſe were therefore ſufficiently underſtood, and the queſtion conſequently would be, whether it was expedient to make the Prince of Wales a Regent, or a Parliamentary Regent, and thus give a ſituation and create a power, hitherto unknown to our Conſtitution, by placing a perſon in the ſituation of the King, without regal powers.

Mr. Sheridan.

Mr. *Sheridan* ſaid, he did not riſe to debate the mode of proceeding ſtated by the Right Hon. Gentleman; his Right Hon. Friend had fully ſpoken his mind upon the ſubject; he roſe merely to prevent any concluſion being drawn from their ſilence that they concurred in the propriety or expediency of putting the abſtract Propoſition on the *Right* of the Prince of Wales. He argued againſt

againſt the diſcuſſion of any ſuch Propoſition, maintaining that it was neither likely to tend to the promotion of the good or the peace of the Public. It could not conciliate, it might create diſſenſions and animoſities, and therefore, he contended, it would be extremely unwiſe, as it was obviouſly unneceſſary to agitate it or preſs the Houſe to come to any vote upon it. He reminded the Right Hon. Gentleman of the danger of provoking that claim to be aſſerted [a loud cry of *Hear! Hear!*] which he obſerved had not yet been preferred. [Another cry of *Hear! Hear!*] He repeated his words, and aſked, would the Right Hon. Gentleman chuſe to have his own Propoſition put upon the Journals, viz. That the Prince of Wales had *no more Right* to exerciſe the Royal Authority during the incapacity of the King, *than any other individual* ſubject? If he would not, why would he preſs an abſtract Propoſition that muſt throw the nation into anarchy and confuſion? Mr. Sheridan ſaid, he was ſo thoroughly convinced that the diſcuſſion of the Queſtion was miſchievous, that he was ſure no man, who was not actuated by a ſpirit of diſſenſion, would propoſe it.

Mr. Pitt.

The *Chancellor of the Exchequer* and Lord *Frederick Campbell* roſe together, but the former obtained the hearing. After apologizing to his Lordſhip for taking the liberty of obliging him to defer the communication of what he meant to have ſaid, Mr. Pitt declared, he roſe to remark the manner in which the Hon. Gentleman had choſen to treat what had fallen from him in compliance with the requeſt of the Right Hon. Gentleman oppoſite to him. The Hon. Gentleman had choſen rather indiſcreetly, and with a degree of warmth altogether uncalled for, to enter into a diſcuſſion of the propriety of bringing forward a Propoſition not then before the Houſe, but which would come under diſcuſſion in a regular way, on a future day. It was evident, he ſaid, that there were but two opinions on the queſtion that had been hitherto agitated, touching the preſent exigency, in conſequence of his Majeſty's incapacity to exerciſe the Royal Authority; the one, that they were to deliberate on one of the moſt intereſting points that ever came before a Houſe of Parliament; the other, that they were to proceed to an adjudication of one of the moſt important rights that ever was claimed. In the diſcuſſion of theſe opinions, the Houſe, he truſted, would do their duty in ſpite of any threat that might be thrown

out; men who felt their native freedom would not ſubmit to a threat, however high the authority from which it might come.

Lord Frederick Campbell.

Lord *Frederick Campbell* ſaid, the Hon. Gentleman had thrown out imputations which had hurt his feelings exceedingly. He did not underſtand that any Member had a right to impute bad intentions to another. With regard to the queſtion of Right, the queſtion muſt neceſſarily be diſcuſſed before any other. He had the other day heard it doubted, whether they were a Parliament or a Convention; it had even been aſked, whether the Speaker had a right to iſſue writs, and other offenſive expreſſions had been uſed which he did not recollect. He wanted to know whether he had a right to debate; and there was no other way of putting it out of doubt whether they were a Parliament or not, but by coming to a deciſion of the queſtion of Right. His Lordſhip wiſhed not that bad motives ſhould be imputed to any man; his own motives, he declared, were pure and honourable.

Mr. Fox.

Mr. *Fox* in reply ſaid, it was a pity the noble Lord could not recollect what he had complained of as offenſive expreſſions. With regard to the doubt whether the Speaker could iſſue his writ, the Speaker would recollect it originated with himſelf and not with him. As to the noble Lord's declaration that his motives were pure, he had no doubt but that they were pure and honourable, as they ought to be. He had always had the good fortune to have the noble Lord with him when he was in office, but never had that good fortune when out of his Majeſty's ſervice. He recollected that his Lordſhip had ſupported him in oppoſing a diſſolution of Parliament, but that he was with the Miniſter when the new Parliament aſſembled. A proof that warm and zealous as the part the noble Lord had taken againſt the diſſolution had been, the noble Lord's opinion had changed much ſooner than his own had done.

Lord Frederick Campbell.

Lord *Frederick Campbell* ſaid he had not replied at all to what that Right Hon. Gentleman ſaid, but to words ſpoken by the Hon. Gentleman near him. With regard to his want of recollection of what had paſſed on a former day, the fact was, he did recollect the expreſſions to which he alluded, but that he did not chooſe to repeat grievances. He recollected the word *recognition*, which had given him pain, not but that he wiſhed his Royal Highneſs as well as the Gentlemen on the other ſide did: nobody could wiſh him

better

better when he had a proper power, nor was more willing to submit to him when he ſhould be Manager of the Government of the country.

Mr. *Sheridan* denied that he had uſed any threat, as imputed to him by the Chancellor of the Exchequer, and ſaid, he had only ſpoken of the danger that might ariſe, if the Prince ſhould be provoked to prefer a claim, which he certainly had not yet preferred, and the diſcuſſion of which he muſt continue to think as miſchievous in its tendency, as it was undoubtedly unneceſſary; he muſt therefore repeat, that whoever preſſed forward ſuch a diſcuſſion, was actuated by a miſchievous intention. Mr. Sheridan.

The *Chancellor of the Exchequer* ſaid he was glad to hear an explanation. Had the Hon. Gentleman been equally guarded before, he ſhould not have thought it neceſſary to have taken notice of what he could not conceive but to be a threat. The phraſe which the Hon. Gentleman had made uſe of, was the aſſertion and not the preference; but when that threat came from ſo high an authority he could not ſuffer it to paſs unnoticed. Mr. Pitt.

Mr. *Sheridan* complained that the Chancellor of the Exchequer put words into his mouth which he did not ſpeak. Mr. Sheridan.

A few more words of explanation took place between the Chancellor of the Exchequer and Mr. Sheridan.

The Queſtion was then put and agreed to.

It was then moved,

"That the Report from the Committee appointed to examine his Majeſty's Phyſicians. Alſo

"The Report of the Members of his Majeſty's moſt Honourable Privy Council. And alſo

"The Report from the Committee appointed to ſearch for Precedents, be referred to the ſaid Committee."

The Houſe roſe immediately, having adjourned to Tueſday next.

Tueſday, December 16.

As ſoon as the *Chancellor of the Exchequer* had taken his ſeat, he moved, that the Order of the Day for "the Houſe to reſolve it- Mr. Pitt.

ſelf into a Committee on the Conſideration of the State of the Nation," be read, which being done accordingly, together with the Order for referring the Report of the Committee appointed to take and report the examinations of the King's Phyſicians, and the Report of the Committee appointed to ſearch for, examine and report Precedents, &c. to the ſaid Committee, the Chancellor of the Exchequer moved, "that the Speaker do now leave the Chair," which having been on the Queſtion put, and agreed to, Brook Watſon, Eſq. took the Chair at the Table.

The *Chancellor of the Exchequer* began his ſpeech with declaring, that the Houſe were then in a Committee to take into conſideration the State of the Nation, under circumſtances the moſt calamitous and important that had ever befallen the country at almoſt any period. It was then a century ago ſince any thing of equal importance had engaged the attention of that Houſe. The circumſtance that had then occurred was the Revolution, between which, however, and the preſent circumſtance, there was a great and eſſential difference. At that time the two Houſes had to provide for the filling up of a Throne that was vacant hy the abdication of James the Second; at preſent they had to provide for the exerciſe of the Royal Authority, when his Majeſty's political capacity was whole and entire, and the Throne conſequently full, although in fact all the functions of the executive government were ſuſpended, but which ſuſpenſion they had every reaſon to expect would be but temporary. There could not, he ſaid, be but one ſentiment upon that head, which was, that the moſt ſanguine of his Majeſty's Phyſicians could not effect a cure more ſpeedily, than it was the anxious wiſh of every man in that Houſe, and every deſcription of his Majeſty's ſubjects, that his cure might be effected, and that he might thence be enabled again to reſume the exerciſe of his own authority. During the temporary continuance, however, of his Majeſty's malady, it was their indiſpenſible duty to provide for the deficiency in the Legiſlature, in order that a due regard might be had to the ſafety of the Crown, and the intereſts of the People. The firſt Report before the Committee eſtabliſhed the melancholy fact, that had rendered their deliberations neceſſary; the ſecond contained a collection of ſuch Precedents, ſelected from the hiſtory of former times, as were in any degree analogous to the

the preſent unfortunate ſituation of the country; although he would not undertake to ſay that ſtill more Precedents might not have been found, yet ſuch as the Report contained, would ſerve to throw a conſiderable degree of light on the ſubject, and point out to the Houſe the mode of proceeding moſt proper to be adopted. Notwithſtanding the magnitude of the queſtion, what proviſion ought to be made for ſupplying the deficiency, there was a queſtion of a greater, and ſtill more important nature, which muſt be diſcuſſed and decided firſt, as a preliminary to their future tranſactions, with a view to the preſent exigency. The queſtion to which he alluded, was, Whether any perſon had a right, either to aſſume or to claim the exerciſe of the Royal Authority, during the incapacity and infirmity of the Sovereign; or, whether it was the right of the Lords and Commons of England to provide for the deficiency in the Legiſlature reſulting from ſuch incapacity? On a former day, he had ſtated, that in conſequence of an aſſertion having been made in that Houſe, that a Right attached to his Royal Highneſs the Prince of Wales, as Heir Apparent to exerciſe the Sovereign Authority, as ſoon as the two Houſes of Parliament declared his Majeſty, from illneſs and indiſpoſition, incapable of exerciſing his Royal Functions; it appeared to him to be abſolutely and indiſpenſably neceſſary, that the queſtion of Right ought to be firſt decided by the Committee, before they took a ſingle ſtep to provide for the deficiency of the third Eſtate of the Realm. By the aſſertion of the exiſtence of ſuch a right, no matter whether a right that could be aſſumed in the firſt inſtance, or as a right which attached after the declaration of both Houſes of Parliament, that his Majeſty was incapable, a doubt had been thrown upon the exiſtence of what he had ever conſidered as the moſt ſacred and important rights of the two Houſes, and it became abſolutely neceſſary for them to decide that doubt, and by ſuch deciſion aſcertain whether they had a right to deliberate, or whether their proceedings muſt be exceedingly ſhort, and they ſhould have only to adjudge, that ſuch a Right as had been mentioned was legally veſted in his Royal Highneſs the Prince of Wales.

He mentioned the difficulty and embarraſſment that had been thrown upon their proceedings by the aſſertion, that ſuch a claim exiſted; and although he was free to confeſs, that the aſſertion had

had not been made from any authority, and that they had ſince heard, though not in that Houſe, that it was not intended that the claim ſhould be made, yet having been once ſtated, by a very reſpectable Member of that Houſe as his opinion, it was an opinion of too much importance to be paſſed by; he deſired it to be remembered, however, that he had not ſtirred the Queſtion of Right originally; if, therefore, any ſerious danger were actually to be dreaded by its being diſcuſſed and decided, that danger and its conſequences were ſolely imputable to the firſt ſtirrer of the Queſtion, and not to him. Had the doubt never been raiſed, an expreſs declaration on the ſubject had not been neceſſary; but, as the matter ſtood, ſuch a declaration muſt be made one way or the other. He begged, however, that it might not be imputed to him, that he was deſirous of waſting time in bringing forward any abſtract, or ſpeculative, or theoretical Queſtion. An abſtract Queſtion, in his conception of it, was a Queſtion wholly unneceſſary, the diſcuſſion of which could anſwer no end, nor could its deciſion afford any light to guide and aſſiſt them in their proceedings. Of a very different nature was the Queſtion of Right; it was a Queſtion that ſtood in the way of all ſubſequent proceeding, the reſolving of which muſt neceſſarily decide upon the whole of their conduct with regard to the preſent important buſineſs; they were not free to deliberate and determine while the doubt of an exiſting right or claim hung over their heads, they could not ſpeak intelligibly or to any purpoſe until they knew their proper characters, and whether they were exerciſing their own rights for the ſafety of the Crown and the intereſts of the people, or whether they were uſurping that which had never belonged to them. On that ground it was, that he had declared the Queſtion of Right not to be an abſtract Queſtion, a ſpeculative Queſtion, or a theoretical Queſtion. The firſt information the papers that had been referred to the Committee afforded, was that which he ſhould make the firſt reſolution, viz. a reſolution of fact, as the ground of thoſe that were deſigned by him to follow it; a reſolution ſtating, that which the language of all his Majeſty's Phyſicians afforded ſufficient proof of, that his Majeſty was incapable from illneſs of coming to his Parliament, or attending to any public buſineſs, whence aroſe the interruption of the exerciſe of the Royal Authority.

Authority. To that reſolution of fact, he conceived there could not be any objection. His next reſolution would be the reſolution of Right, couched in part in the words of the Bill of Rights, and ſtating, "That it was the right and duty of the Lords Spiritual and Temporal, and of the Houſe of Commons, as the rightful Repreſentatives of all the eſtates of the people of England, to provide for the deficiency in the Legiſlature, by the interruption of the exerciſe of the Royal Authority in conſequence of his Majeſty's incapacity through indiſpoſition." He renewed his arguments in ſupport of the claim of the two Houſes of Parliament, declaring that under the preſent circumſtances of the country, it was his firm and unalterable opinion, that it was the abſolute and undeniable Right of the two Houſes on the part of the people to provide for the revival of the third eſtate. He declared he would ſtate the point at iſſue between him and the Right Hon. Gentleman oppoſite to him fairly. He wiſhed not to take advantage of any ſhades of difference between them, but to argue upon the ſolid and ſubſtantial difference of their opinions. If he had conceived the Right Hon. Gentleman properly, he had aſſerted "that, in his opinion, the Prince of Wales, as Heir Apparent, upon the incapacity of the Sovereign to exerciſe the Sovereign Authority being declared, had as clear, as perfect, and as indiſputable a Right to take upon himſelf the full exerciſe of all the authorities and prerogatives of his father, as if his Majeſty had undergone an actual demiſe." If it could be proved to exiſt by any precedents, drawn from hiſtory or founded in law, or by the analogy of the Conſtitution, he wiſhed to have been told what thoſe precedents were, becauſe in that caſe the ground would be narrowed, and the proceedings of the Committee rendered ſhort and ſimple, as they would have no power nor occaſion to deliberate; the only ſtep they could take would be to recognize the claim of Right. That claim of Right, however, he flatly denied to have any exiſtence, capable of being ſuſtained by ſuch proof as he had mentioned; the right of providing for the deficiency of the Royal Authority, he contended, reſted with the two remaining branches of the Legiſlature. He profeſſed himſelf exceedingly happy to hear that a declaration had been made in another place from high authority, that the Right ſtated by the Right Hon. Gentleman in that Houſe to have exiſtence, was not meant

meant to be urged by a great perſonage. He ſaid, he came that day confirmed in every opinion, that he had before ſtated, confirmed in that opinion that no ſuch Right or Claim veſted in the Prince of Wales, as Heir Apparent, to exerciſe the Royal Authority during the incapacity of the Sovereign could be proved, neither from precedents drawn from hiſtory, nor from the law, nor from the ſpirit of the Conſtitution.

He reminded the Committee, that when the Right Hon. Gentleman firſt mentioned the Right of the Prince of Wales in this particular, the Right Hon. Gentleman had declared he was willing to wave the Motion for a Committee to ſearch for precedents, becauſe that he was perſuaded, and the Houſe muſt allow, that no precedent could be found that bore upon the particular caſe of a Prince of Wales, the Heir Apparent to the Crown, being of full age, and capable of taking on himſelf the exerciſe of the Royal Authority, under ſuch circumſtances as the preſent. There certainly was no caſe preciſely in point undoubtedly, but though their Committee above ſtairs could not find a caſe preciſely in point, they had furniſhed the Houſe with many precedents from which analogies might be drawn. He called upon the Right Hon. Gentleman oppoſite to him to point out a ſingle caſe analogous to the infancy, infirmity, or illneſs of a Sovereign, in which the full powers of ſovereignty were exerciſed by any one perſon whatever. If the Right attached to his Royal Highneſs under the preſent circumſtances, in the ſame manner as on the demiſe of his Father, an Heir Preſumptive would ſucceed as perfectly as an Heir Apparent; and agreeable to that doctrine, thoſe Precedents that would attach in the one caſe, would attach in the other. For Precedents that were analogous, he would refer the Committee to the Report on the table, the Precedents in which, though they might not throw all the light on the ſubject that could be wiſhed, certainly tended to elucidate it conſiderably. He ſaid, he would refer to ſome of theſe precedents, and convince Gentlemen that their reſult formed clear, undeniable proof, that no ſuch Right exiſted as had been pretended. The firſt Precedent was taken from the reign of Edward the Third, when no Heir Apparent had claimed the exerciſe of the Royal Authority. The Parliament of thoſe days, (whether wiſely or not was no queſtion before the Committee) provided a Council about the King's perſon

to

to act for him, a clear proof that they conceived the power existed with them to provide for the exercise of the Royal Authority. The next Precedent was in the reign of Richard the Second, when Counsellors were also appointed to exercise the regal Power. The third Precedent occurred in the infancy of Henry the Sixth; at that time the Parliament were called together by the young King's second uncle, the first being still living, but out of the kingdom, and that Act was ratified by Parliament, they not considering it sufficient that it was done by the authority of the Duke. In that instance, again, it was clear that the Regency was carried on by the Parliament. These three instances were the principal of those stated in the Report of their Committee; subsequent Precedents would prove that no one instance could be found of any person's having exercised the Royal Authority during the infancy of a King, but by the grant of the two Houses of Parliament, excepting only where a previous provision had been made.

Having thus far mentioned the power of Parliament during the infancy of a King, he said he would next state their power during the King's absence; and if in that case it should be asserted, that the Heir Apparent had a Right to exercise the Royal Authority, let the Committee consider how that assertion would stand. It had been said, that in the majority of such cases, the power had been given to the Prince of Wales. If such cases could be adduced, they would, he owned, be cases in point; but then to prove what? To prove, that such Heirs Apparent possessed no inherent right. If a right existed to represent the King, it must be a perfect and an entire right, a right admitting of no modification whatever, because if any thing short of the whole power were given, it would be less than by Right could be claimed, and consequently an acknowledgment that no such Right existed. But could any such cases be pointed out? By a reference to the Ancient Records, it would be found that the *Custodes Regni*, or *Lieutenant for the King*, had never been invested with the whole Rights of the King himself. The powers given to the *Custodes Regni* had been different under different circumstances; a plain and manifest inference thence arose, that the *Custodes Regni* did not hold their situation as a Right, but by appointment. The powers of bestowing benefices, and doing other acts of Sovereignty, had been occasionally given to the

Custodes

Cuſtodes Regni, which ſhewed that their powers had always been ſubject to ſome limitation or other. After dwelling upon theſe proofs, that no Right to repreſent the Sovereign in his life-time had ever exiſted, as far as our Records could teſtify, he obſerved, that in modern times Lords Juſtices had been frequently appointed to the exerciſe of ſovereign authority, during the reſidence of a Prince of age in the country.

Another inſtance that occurred to him was, where the exerciſe of Royalty had been interrupted by ſevere illneſs, and which appeared to him to be more a caſe in point than any other to the preſent melancholy moment; this was the Precedent of the reign of Henry the Sixth, where the Heir Apparent was not of full age; it would then, to ſupply the defect of that Precedent, be neceſſary to have recourſe to the principles of the Conſtitution, and to the laws of the land; it would be found, that though the Parliament of that day provided for the moment, that they were not content with ſuch proviſion, but that they looked forward to the time when the Heir Apparent ſhould attain full age, granting him a reverſionary patent, the ſame preciſely with the Regent's, to take place when he ſhould come of age. Thus, though they provided for allowing him at that period more conſiderable powers than they had ſuffered him before to poſſeſs, they had ſtill not granted him the full powers of Sovereignty, but had made ſuch limitations that proved their moſt poſitive denial of any Right exiſting. That inſtance, tho' a ſingle one, and where the Heir Apparent was not of full age, was ſufficient to ſhew the ſenſe of Parliament in thoſe days, as much as if the Heir Apparent had been of full age. If no precedent contrary to thoſe he had ſtated to the Committee could be advanced, he ſhould preſume that it would be evident to the Committee, that no Right exiſted with an Heir Apparent, or an Heir Preſumptive, to aſſume the functions of Royalty on the temporary incapacity of the Sovereign, nor any Rights but thoſe delegated by the two remaining branches of the Legiſlature. He ſcrupled not therefore to declare, that no poſitive law, nor no analogy from any law, could be adduced to ſupport the doctrine of Right. A record had indeed been quoted elſewhere (alluding to the Houſe of Lords) to prove that the King and the Heir Apparent was one and the ſame perſon, and that it followed of courſe, that on the incapacity of

the King, the Heir Apparent had a legal and clear Right immediately to exercise the same powers that the King had possessed; but there was a different opinion held of that record, by persons of great eminence and authority in the law, and, by their opinion, a far different conclusion was drawn from the same record, the metaphorical expression of which was not to be taken literally.

Another opinion which had been started was, that if Parliament had not been sitting, that then the Prince would have had a right to assume the Royal Authority, and summon Parliament; that he also expressly denied. Those, he said, who were like him standing up for the Rights of Parliament, and through Parliament for the Rights of the people, were peculiarly fortunate in one particular: they were as fortunate as most of those, who had truth and justice on their side, generally were; for little was left them to do, *but to controvert and overcome their antagonists, by stating to them, and comparing their own arguments and assertions, made at different times, and as the occasion suited**. It had been said elsewhere by a learned Magistrate, (who had chosen to force his own construction on their silence,) that our ancestors, if they had entertained any doubt of the Right of an Heir Apparent, would, in their wisdom, have provided for so possible a case as the present. So far from leaving it to that learned Lord's wisdom to interpret, it must, he said, be believed by the Committee, that they would have provided for it in plain, distinct, clear, and express words, and would not have left it liable to be differently understood, as different men chose, for different reasons, to say it ought to be understood; the wisdom of our ancestors, however, he conceived, was better proved by their having said nothing upon it, but left such a question to be decided where it ought to be decided, whenever the occasion required it, by the two Houses of Parliament. That the Committee might assert the same, he meant, in the Resolution he should offer, to quote that doctrine from the Bill of Rights, and assert that it rested with the Lords and Commons as the rightful Representatives of the people. If the contrary doctrine was so evident that it must be true, if the Heir Apparent, or Heir Presumptive, had a clear right to assume the Royal Prerogatives, on the interruption of those

* See a pamphlet just published by Stockdale, intituled, "POLITICAL BLOSSOMS *of the Right Hon. Charles James Fox.*"

powers,

powers, he ſaid, he deſired to aſk every Gentleman in the Committee, whether they would wiſh to adopt ſuch a doctrine as a doctrine applicable to the ſafety of the Crown, which had been long glorioufly worn by his Majeſty, and which it was the ardent, the ſincere wiſh of his people, he might long continue to wear, until it ſhould, in due time, and in a natural manner, deſcend to his legal and his illuſtrious Succeſſor. He deprecated the idea of avoiding the diſcuſſion of what limitations might be neceſſary for enſuring the ſafety of the Crown on the head of its preſent Poſſeſſor, on account of the many virtuous qualifications of the Prince, or out of reſpect to any other motive whatever. It would not have been wiſdom in our anceſtors, had they ſaid, that the care of the perſon of the Sovereign ought to be veſted in the Heir Apparent. He hoped in this declaration not to be miſunderſtood, for he was ready to acknowledge the greateſt and beſt qualities in the preſent Heir Apparent; but he would rather prefer what he ſaid to be miſrepreſented in any manner, and any where, than ſacrifice the duty he owed to the ſafety of his Sovereign, and to the intereſts of the people. The Right Hon. Gentleman oppoſite him had ſaid, on a former day, that his Royal Highneſs had as clear a right to the exerciſe of Sovereign Authority, as he would have had in caſe of the natural demiſe of the Sovereign, and that he conceived the preſent to be a *civil death*. Could the Committee conſider his Majeſty's indiſpoſition, which was not an uncommon caſe, and generally but temporary,—could they conceive that his Majeſty had undergone a *civil death?* He was ſure they would not. If ſuch a thing exiſted at the preſent moment, as a *civil death*, his Royal Highneſs would immediately aſcend the Throne, with the full exerciſe of Royal Prerogative, and not as a Regent; for a *civil death*, like a natural death, was permanent. He ſtated, from Mr. Juſtice Blackſtone, that there were but two caſes in which a man could undergo a *civil death*; the firſt of which was, his being baniſhed from the realm by proceſs of common law, or by his having entered into religion, and become a monk profeſſed, thereby taking himſelf for ever away from all ſecular concerns. The firſt was an act which cut off a criminal from all ſociety within the realm, and the other was the voluntary act of retiring from the world. Would any man pretend, that either of thoſe caſes was

analogous

analogous to the preſent unfortunate incapacity of his Majeſty? Would any perſon ſay, that his Majeſty had by proceſs of law been diſabled, or by his own voluntary act, rendered incapable of wearing the Crown? Would they aſſert, that acts of perpetual diſability were analogous to the viſitation of God, a ſtroke inflicted by the hand of Providence, which might, and probably would, be but temporary? Could it be pretended, that *they* ought to be adduced as acts to prevent his Majeſty from in future exerciſing thoſe powers which he had never forfeited, which he had never renounced?—After having advanced ſo much in contradiction to the Claim of Right, he believed no one would think of aſſerting it. The only queſtion then was, and to which what had paſſed before was but preliminary, Where did the right exiſt? If no proviſion in precedent, in hiſtory, or in law, was to be found for the exerciſe of ſuch authority on the diſability of the Sovereign, where was it to be found? It was to be found in the voice, in the ſenſe of the people: with them it reſted; and although in extraordinary caſes, in moſt countries, ſuch an event as the calamity they all deplored would have gone near to diſſolve the Conſtitution itſelf, yet in this more happily tempered form of government, equally participating the advantages, and at the ſame time avoiding the evils of a Democracy, an Oligarchy, or an Ariſtocracy, it would have no ſuch effect; for though the third eſtate of the Legiſlature might be deficient, yet the organs of ſpeech of the People remained entire in their Repreſentatives, by the Houſes of Lords and the Commons, through which the ſenſe of the people might be taken. The Lords and the Commons repreſented the whole eſtates of the people, and with them it reſted as a Right, a conſtitutional and legal Right, to provide for the deficiency of the third branch of the Legiſlature, whenever a deficiency aroſe: they were the legal organs of ſpeech for the people, and ſuch he conceived to be the true doctrine of the Conſtitution. He ſaid, he would not merely ſtate theſe as his own opinions, but he would ſtate them to be the opinions of thoſe who had framed the Revolution; who had not, like the Committee, to provide for the interruption of regal powers while the throne was full, but to ſupply the deficiency of the third branch of the Legiſlature, which was wholly vacant. Whenever the third branch, however, of the Legiſlature was wholly gone, or but ſuffered a ſuſ-

penſion, it was equally neceſſary to reſort to the organs of the people's ſpeech. Agreeable to the laws of the land, to the records of Parliament, to precedent, and to the conſtitution, the political capacity of the King, except in caſes of abſolute forfeiture of the Crown, was always conſidered as legally entire; and during that political capacity, according to the ſpirit of the Conſtitution, if any natural incapacity ſhould cauſe a ſuſpenſion of the Royal Authority, it then reſted with the remaining branches of the Legiſlature to ſupply ſuch defect. In every proceeding of the Parliament in the reign of Henry the Sixth, they had acted upon ſuch power, and declared who, and in what manner, the Royal Authority was to be exerciſed, for and in the name of the King. In that reign, the Duke of Glouceſter claimed the Regency, and applied to Parliament for the ſame as his right; but the anſwer of Parliament to ſuch claim was, that he neither had by birth, nor by the will of his brother, any right whatever to the exerciſe of the Royal Authority. They, however, appointed him Regent, and intruſted him with the care of the young King. Here was an inſtance of the Claim of Right having been actually made; and an inſtance likewiſe that it had been fully decided upon by the then Parliament, that neither from the law of the land, nor from precedent, any ſuch right exiſted. The Rights of Parliament were, he ſaid, congenial with the Conſtitution. He referred the Committee to every analogy that could be drawn from the principles of the Conſtitution, and the only Right, he ſaid, it was clear, would be found to exiſt in Parliament,—a Right capable of ſo effectually providing for the deficiency of the third branch of the Legiſlature, as to enable them to appoint a power to give ſanction to their proceedings, in the ſame manner as if the King was preſent. As the power of filling the Throne reſted with the people at the Revolution, ſo at the preſent moment, on the ſame principles of liberty, on the ſame Rights of Parliament, did the providing for the deficiency reſt with the people. He declared, he felt himſelf inadequate to the great taſk of ſtating the rights and privileges of the Conſtitution, and of Parliament; but he had made it appear, as plainly as he could, that no Right exiſted any where, to exerciſe the whole or any part of the Royal Prerogatives, during the indiſpoſition of the Sovereign. He had alſo proved, that, from the neceſſity of the caſe,

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it reſted with that and the other Houſe of Parliament, to provide for the deficiency in the Legiſlature. He ſuppoſed, that doubts might be ſtated, as to the propriety of coming to any deciſion on the queſtion, and that he might be charged with having ſtirred notions dangerous to the ſtate; but ſuch queſtions, he begged it to be remembered, *he* had not ſtirred. When queſtions concerning the Rights of the People, the Rights of the Parliament, and the intereſt of the nation, were ſtarted, it was neceſſary, if the Houſe had a right on the ſubject, to exerciſe that right; it was their duty, it was a matter that could by no means be lightly given up. If it was their duty, in the preſent calamitous ſtate of the nation, to grant power, they ought to know *how* they granted ſuch power: they muſt decide either in the manner of a choice, or as acting judicially to recognize a Claim of Right; and if they recognized ſuch claim, it would be an acknowledgment that they had no power to deliberate on the ſubject. If they did not come to ſome deciſion, they would confound their own proceedings, and it would be highly dangerous to poſterity in point of precedent; they were not, therefore, to conſult their own convenience. He remarked, that originally the Claim of Right had been aſſerted by the Right Hon. Gentleman in ſtrong and lofty terms, but that the tone had been ſince ſomewhat lowered. He noticed a declaration that had been made elſewhere, of no intention of aſſerting a Right; but it had been made in words, and there was no parliamentary ground to go upon, that a Right would not be, at ſome future period in our hiſtory, attempted to be either aſſumed, or aſſerted. He declared, he could ſee no poſſibility of the Committee proceeding a ſingle ſtep further, without knowing on what kind of ground they proceeded, and therefore it became indiſpenſibly neceſſary to have the Queſtion of Right decided. The danger of the queſtion originated in its having been ſtirred, not in its having been decided. The danger of the ſtirring would be done away by the deciſion; but the leaving it undecided, and equivocal, would be highly dangerous. The deciſion of both Houſes could be attended with no diſſenſion; but if the Right of Parliament was not confirmed, the meaſures of both Houſes would be imputed, he feared, rather to motives of perſonal intereſt and convenience, than to a due regard for the intereſt of the country. The meaſures he meant to propoſe, were dictated from no other motives than an anxious deſire,

in conformity to his duty, to provide for the ſafety of the King, the Rights of Parliament, and the intereſts of the People.

The Right Hon. Gentleman in the courſe of his ſpeech took notice of the opinions ſtated by a noble Lord in another place, in contradiction to his aſſertion, that the Prince of Wales *had no more right to aſſume the Regency than any other individual ſubject.* He ſaid, he underſtood that in arguing that matter, ſome very extraordinary modes of reaſoning had been reſorted to. Among other proofs, that the Rights of the Prince of Wales were different from thoſe of other ſubjects, it had been ſaid, that the Prince of Wales was, in an old Record quoted by Lord Coke, pronounced *one and the ſame with the King.* The fact certainly was ſo, but to draw from ſuch a circumſtance, an argument, that the Prince had a Right to exerciſe the Sovereign Authority under the preſent circumſtances of his Majeſty's unfortunate incapacity, was an inference ſo monſtrous, that he ſhould think he deſerved cenſure for ſporting with the gravity of the Houſe, if he ſuffered himſelf to treat it with any thing like ſerioufneſs. In truth, a very different concluſion might be drawn from the whole of that Record, the metaphorical language of which was not to be taken in a literal ſenſe, in that or any other point of ſo much importance. Another poſition laid down at the ſame time, and in the ſame place, was, that the Prince of Wales, as Heir Apparent, and being of full age, could aſſume the exerciſe of the Sovereign Authority, if his Majeſty's infirmity had occurred when Parliament was *not ſitting*, but that doctrine had been ſo expreſsly contradicted in that Houſe by the Right Hon. Gentleman oppoſite to him, when the ſubject was laſt agitated, that it was needleſs for him to ſay a ſyllable more upon it. A third argument urged in ſupport of the Prince's rights was, that a Prince of Wales, when he came to the Crown, could ſue out an execution as King in a cauſe in which he had obtained a judgment as Prince of Wales. But what was there in that? The reaſon why the Prince of Wales had this advantage over other ſubjects was obvious. If the ſon of a Peer, who had maintained a ſuit in the Courts in Weſtminſter Hall, and obtained a judgment, ſucceeded to his father's honours before he had ſued out an execution, he could not ſue out an execution without previouſly identifying himſelf, and convincing the Court that he was the ſame perſon who had proſecuted

ſecuted the ſuit, and obtained the judgement. And why was not the Prince of Wales obliged to do the ſame? for this plain reaſon, the Courts of Weſtminſter Hall are held in the name of the King, and, therefore, in his own Courts, it muſt be a matter of notoriety, that on the demiſe of the Crown, the Prince of Wales had ſucceeded to it, and become King: But were theſe arguments multiplied ten times over, what did they prove? Merely that the Prince had rights of ſome ſort or other, peculiar to himſelf; but did they prove, that he had a right to exerciſe the Sovereign Authority on his Father's incapacity, without the conſent and declared approbation of the two remaining branches of the Legiſlature? No more than a proof that a man had an eſtate in Middleſex, was a proof that he had another in Cornwall, and a third in Yorkſhire. In fact, all theſe arguments put together, regarded and conſidered with a reference to the point in diſpute, viz. Whether the Prince of Wales, as Heir Apparent, had a right to exerciſe the Sovereign Authority, during the Incapacity of his Majeſty, were ſo irrelevant, ſo foreign to the Queſtion, and ſo perfectly abſurd, that they were not to be relied on as Law, *even if they came from the mouth of a Judge.*

In a ſubſequent part of his Speech, the Chancellor of the Exchequer, talking of the ſtrong and lofty aſſertion that had been at firſt made of the Right of the Prince of Wales, as Heir Apparent, to *aſſume* the exerciſe of the Sovereignty ſaid, that doctrine had been *retracted*,—he begged to retract the word, not retracted, but diſavowed. This reminded him of the Precedent in the reign of Henry the Sixth, during which the Duke of Glouceſter quarrelled with the Biſhop of Wincheſter, which diſagreement roſe ſo high, and was carried ſo far, that at length the Duke brought a criminal charge againſt the Biſhop, accuſing him of having, in a former reign adviſed the Prince of Wales (afterwards Henry the Fifth) to aſſume the Sovereign Authority in the life-time of his father, Henry the Fourth. Though this charge, if proved, would have been High Treaſon, the Biſhop deſired that it might go to the Judges, and the validity of it be enquired into. The quarrel, however, was compromiſed on grounds of perſonal convenience, and the charge never came to a legal deciſion. Towards the concluſion of his ſpeech, after having eſtabliſhed the *right* of the two

Houſes of Parliament to provide the means for ſupplying the defect in the caſe of the King's incapacity to exerciſe the Sovereign Authority, the Chancellor of the Exchequer took care to impreſs the Houſe with a conviction, that if they had a *right* they had alſo a duty, and that a *duty*, which neither their allegiance nor their affection to their Sovereign would allow them to diſpenſe with. It was their duty at this time not only unequivocally to declare their Right, ſo that it might remain aſcertained, and beyond the poſſibility of all queſtion hereafter, and be ſecured to poſterity, but to proceed without delay to exerciſe their Right, and provide the means of ſupplying the defect of the perſonal exerciſe of the Royal Authority, ariſing from his Majeſty's Indiſpoſition. He reaſoned againſt the probability of their deciſion either cauſing a diſſention between the two Houſes of Parliament, or producing any miſchievous conſequences of any kind. On the contrary, if the Right was not declared as well as decided, it would appear that the two Houſes had made a compromiſe unbecoming themſelves, and had acted upon perſonal motives rather than a due regard to the true intereſts of their Country.

The *Chancellor of the Exchequer* here read his two Reſolutions, as follow; and after he had read the two, he moved the firſt, which was agreed to *nem. con.*

I. That it is the opinion of this Committee,

"That his Majeſty is prevented, by his preſent indiſpoſition, from coming to his Parliament, and from attending to public buſineſs, and that the perſonal exerciſe of the Royal Authority is thereby for the preſent interrupted."

II. That it is the opinion of this Committee,

"That it is the right and duty of the Lords Spiritual and Temporal and Commons of Great-Britain now aſſembled, and lawfully, fully, and freely repreſenting all the eſtates of the people of this realm, to provide the means of ſupplying the defect of the perſonal exerciſe of the Royal Authority, ariſing from his Majeſty's ſaid indiſpoſition, in ſuch manner as the exigency of the caſe may appear to require."

Reſolved,

"That for this purpoſe, and for maintaining entire the Conſtitutional Authority of the King, it is neceſſary that the ſaid Lords Spiritual

Spiritual and Temporal and Commons of Great-Britain, ſhould determine on the means whereby the Royal Aſſent may be given in Parliament to ſuch Bill as may be paſſed by the two Houſes of Parliament, reſpecting the exerciſe of the powers and authorities of the Crown, in the name, and on the behalf of the King, during the continuance of his Majeſty's preſent indiſpoſition."

The *Maſter of the Rolls* followed the Chancellor of the Exchequer, and began upon the legal view of the queſtion with declaring, that till within the laſt ten days, he never had heard of there exiſting any right in his Royal Highneſs the Prince of Wales, either to aſſume (as it had been firſt ſtated) or that attached (as it had been ſince explained) upon the declaration of the two Houſes of Parliament of the temporary incapacity of the Sovereign to exerciſe the Royal Authority during ſuch incapacity. Sir Richard quoted a great variety of legal authorities to prove the reverſe to be the fact. He called upon the learned Gentlemen of his own profeſſion to point out the ſtatute that contained any recognition or declaration of ſuch a right's exiſtence, or any law-book whatever, and he referred to ſeveral ſtatutes and law-books that were likely to have noticed it, if any ſuch right had exiſted, but which were all of them completely ſilent on the ſubject. Sir Richard alſo obſerved upon what had fallen from a Noble and Learned Lord in another place, laſt Thurſday, reſpecting the Prince of Wales and his Majeſty being deemed *one and the ſame perſon* in a particular record. He ſaid he had read the Record, and he explained to the Houſe what its ſubject was, by quoting an extract from it. After a great deal of legal diſcuſſion, Sir Richard conſidered the precedent in the reign of Henry VI. and reaſoned upon it, laying great ſtreſs upon its pointed analogous reference to the preſent caſe. Before he ſat down, he declared, he had no doubt whatever, but that it was the Conſtitutional Right of both Houſes to provide for the interruption of the Royal Authority during the continuance of his Majeſty's illneſs. Sir Richard ſpoke very reſpectfully of the Prince in the courſe of his argument, and gave it as his opinion, that the beſt way to teſtify a proper reſpect for his Royal Highneſs, would be by deciding in favour of the Rights of Parliament, on the preſervation of which the welfare of the Crown, and the intereſts of the people, ſo eſſentially depended. Sir R. P. Arden.

Mr. Loveden. Mr. *Loveden* profeſſed himſelf a ſtrong friend to unanimity, thinking it a moſt deſireable object to be attained in the conduct of the preſent truly important proceedings. Mr. Loveden begged to be permitted to aſk the Right Hon. the Chancellor of the Exchequer two queſtions; one, whether by the Reſolutions that had been juſt read, he meant to preclude his Royal Highneſs the Prince of Wales from being Regent and ſole Regent; the other, whether by the words towards the end of the Right Hon. Gentleman's ſpeech, relative to motives of private intereſt or convenience, the Committee were to underſtand, that ſuch Gentlemen as would not ſubmit to vote for the Reſolution, would have their votes imputed to private intereſt and private convenience.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, he ſhould be exceedingly happy to give any Gentleman the fulleſt ſatisfaction, if he appeared to have miſunderſtood any part of what he had ſaid. With regard to the firſt of the two queſtions, viz. Whether he meant by the Reſolutions to preclude his Royal Highneſs the Prince of Wales from being Regent, and ſole Regent? he believed Gentlemen knew, that he had on Friday laſt very fully intimated his individual ſentiments on the ſubject, and had declared, in expreſs terms, *that it was, in his opinion, highly deſirable, that whatever part of the regal power it was neceſſary ſhould be exerciſed at all, during this unhappy interval, ſhould be veſted in a* ſingle perſon, *and that perſon his Royal Highneſs the PRINCE of WALES.* The preſent Reſolution was only calculated to declare the right of the Houſe, in concurrence with the Houſe of Lords, to appoint a Regent, and to leave it open for them to determine in a ſubſequent ſtage who the Regent ſhould be. With regard to the Hon. Gentleman's conceiving that he had ſaid, thoſe who would not ſubmit to vote for the Reſolutions, would have their votes imputed to motives of private intereſt and convenience, he ſhould be heartily aſhamed if he could have been indecent enough to have been guilty of ſo much rudeneſs to that Committee, or any individual members. In mentioning the conſtruction the world might poſſibly put upon their conduct at that moment, and under the peculiar circumſtances of the caſe, he had ſaid, that if when the eſſential conſtitutional rights of the two Houſes were queſtioned and doubted, they refuſed to vote Reſolutions that would decide upon

upon them, and insure them to their posterity, they would render themselves liable to have their conduct imputed rather to motives of personal interest and personal convenience, than to a due regard of their duty, and that attention to the honour and safety of the Crown, as well as to the preservation of their own clear and invaluable Constitutional Rights which they owed to the country and to themselves.

Mr. *Bastard* said, he had no view in rising, but merely a wish to promote the public good; he rose, therefore, without looking to the right or to the left, equally indifferent to both parties, earnestly to intreat Ministers before they pressed the Committee to come to a vote on the Question, to consider the consequences it might possibly produce. He professed himself anxiously desirous that there should be unanimity in the progress of so important a business; and by unanimity he did not merely mean unanimity within those walls, but unanimity between the two Houses of Parliament. Should the House of Lords decide differently from that, such consequences might arise, as he could not reflect on without horror. He asked what possible advantage could result from pressing the Resolution in its present form? He had heard a declaration made in another place, from the highest authority, that his Royal Highness the Prince of Wales never had made any Claim of Right whatever on his part, and that he felt too much sincere regard for those sacred Principles which had seated the Brunswick family on the Throne of these Realms, ever to assume or exercise any power, *be his claim what it might*, not derived from the will of the people, expressed by their House of Lords and the Representatives of the people in Parliament assembled. Why then should a Resolution be pressed, where no claim had been made, and an assurance had been given, that no claim would be made? Mr. Bastard advised the leaving out the word *right*, and confining the Resolution to the words, "that it was their *duty* to provide," which, he said, would, in effect, answer the same end, and at the same time avoid the risque of provoking a disagreement between that and the other House of Parliament. He said, at present he believed the Right Hon. Gentleman at the head of the Exchequer, stood higher in the esteem of the people than the Right Hon. Gentleman on the side of the House on which he then spoke; he Mr. Bastard

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hoped to God, therefore, a regard to his own credit and the favour in which he ſtood with the public, would induce him to alter his Motion, and prevent the poſſibility of provoking that danger which he had deſcribed, in the early part of his ſpeech: he ſaid, he urged this the more earneſtly as he ſaw not the ſmalleſt poſſible advantage that could reſult from preſſing the Queſtion, worded as it was, on the Committee.

Lord North. Lord *North* begged leave to riſe thus early in the evening, becauſe he found the diſcuſſion would keep the Committee ſitting late, and, he was afraid that his infirm ſtate of health would not permit him to ſtay much longer. He roſe not, however, to anſwer the Queſtion of the Hon. Gentleman who had juſt ſat down, and who had aſked what poſſible advantage could be expected from preſſing the Queſtion on the Committee? For one, his Lordſhip ſaid, he knew not what anſwer could be given to the Hon. Gentleman's queſtion, becauſe he ſaw no poſſible advantage that could reſult from it. On the contrary, he agreed with the Hon. Gentleman, that deciding the queſtion, might lead to conſequences, which it ought to be their ſtudy to avoid incurring; it appeared to be a dangerous and pernicious queſtion. Having deſired to have the queſtion read, his Lordſhip ſaid he felt moſt objection to the ſecond part of this queſtion, though he likewiſe felt much objection to the firſt part as well as to the ſecond. The Right Hon. Gentleman had ſaid, he was afraid, unleſs the Committee decided on that queſtion, and that in the way that he thought right, that the country would conceive they had been actuated by perſonal motives, inſtead of impartial motives. It did not ſtrike him, that by agreeing with the Hon. Gentleman, and voting that queſtion, they would appear to have acted with greater impartiality, or that the public would be convinced that they had been actuated by motives leſs perſonal than if they did not vote it. His Lordſhip ſaid, their much beloved Sovereign was at preſent in a melancholy ſtate of health, and they all hoped, by the Bleſſing of God, that he would recover; but after the fact was eſtabliſhed of the incapacity of their Sovereign to exerciſe his Royal Authority, they ought immediately to proceed to reſtore the third branch of the Legiſlature, and the ſooner they did that neceſſary act of duty, the leſs, his Lordſhip ſaid, would their proceedings be liable

liable to the imputation of their having acted from perſonal motives. He agreed, with the Right Hon. Gentleman, that the two Houſes of Parliament were the true and lawful repreſentatives of all the eſtates of the people. But he begged the Committee to conſider, that in conſequence of that melancholy misfortune which they all deplored, and which every man of feeling muſt deplore, they were ſitting, not indeed in the form of a convention (becauſe it happened that the two Houſes of Parliament had been regularly called together,) but with not a whit more authority than a convention poſſeſſed, to do that duty which the calamity of the moment called upon them to perform. Under ſuch circumſtances, ſitting there in a maimed and imperfect Legiſlature, they ought to confine themſelves ſtrictly to the neceſſity of the caſe, ſince every ſtep they proceeded beyond the neceſſity of the caſe, was a ſtep in error, and a ſtep they ought not to take. Every ſtep they had hitherto taken had been ſtrictly juſtified by the neceſſity of the caſe. Without the third branch of the Legiſlature, they had no power, they ought, therefore, immediately to proceed to fill the vacancy that unfortunately exiſted, and not enter into a diſcuſſion of abſtract and ſpeculative queſtions, which tended only to diſſention and miſchief. What good could ariſe from deciding the preſent queſtion? And if no good was likely to reſult from it, he hoped the Committee would go along with him in preventing the miſchief, and proceed immediately to the buſineſs, the only buſineſs before them, the filling up the third branch of the Legiſlature. He ſaid, he would give his vote for filling up the deficiency without ſaying what the rights of the two Houſes were, or what they were not. An expreſs declaration had been made elſewhere, that it never was the intention to urge the Claim: Where then exiſted the danger to the Rights of Parliament when no plea was offered in bar? He ſuppoſed, however, the queſtion was only introduced to be over-ruled, and that, as they agreed as to the two great eſſential points, the Right Hon. Gentleman was determined they ſhould not proceed from the firſt, to that which ought truly to be the ſecond, without ſome altercation by the way. If there had been any queſtion, as to who ought to be entruſted with the Regency? The Queſtion of Right might have been with ſome plauſibility brought forward. They were unanimous upon the

principle; why ſhould they fall out about the forms? They ought to go ſtrait to their object, about which they were all agreed. Another objection his Lordſhip made, was this; the Motion, he obſerved, called upon him to declare the Rights and Duties of the Lords Spiritual and Temporal. What right had that Houſe to interfere with the Rights and Duties of the other Houſe? In the ſecond part of the queſtion he ſaw a project for paſſing a Bill, a project directly violating the fundamental principles of the Conſtitution, and which for that reaſon he could not agree to. What right had that Houſe to make laws? To paſs a Bill, was to do an act of Legiſlation, and to aſſume into the hands of the two Houſes powers that did not belong to them; powers that the Conſtitution had placed in the hands of King, Lords, and Commons, in Parliament aſſembled, and in their hands only. The plain road of proceeding was eaſy and ſhort; proceed directly to nominate a Regent, and then when the third branch was reſtored, and the Legiſlature was compleat, they would become a Parliament perfect in all its conſtitutional forms, and they might legally paſs any laws either of limitation, reſtriction, or of any other kind. But to attempt to proceed otherwiſe was to intrench on the Prerogatives of the Crown, while they lay at their mercy. His Lordſhip ſaid, however reſpectable his Right Hon. Friend's opinions were, it was making him of more importance than he would wiſh to have annexed to him, to ground a public proceeding of that Houſe on any opinion of his. His Lordſhip added a variety of other forcible and appoſite remarks, and then moved that the Chairman "Report progreſs and leave the Chair."

Mr. Powys. Mr. *Powys* ſeconded the Motion of Amendment, and aſſerting that in ſo critical a moment as the preſent, every Gentleman ought to avow his opinion, proceeded ſhortly to ſtate, that he was adverſe to a declaration of the Rights of that Houſe, when no claim had been made, that rendered ſuch a declaration neceſſary. Mr. Powys, in the courſe of his ſpeech, noticed the raſhneſs of aſſerting, that the Prince of Wales had no more Right to the Regency, than any other individual ſubject, and made ſeveral obſervations on the danger of broaching ſuch doctrines, declaring at the ſame time, that he did not mean any thing invidious or perſonal in the references to ſuch an aſſertion, but merely to expreſs his opinion,

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that any man who made an aſſertion of that ſort, did not adopt a line of conduct likely to preſerve the temper and moderation that ought to mark their proceedings on ſo ſolemn an occaſion.

Mr. *Rolle* roſe, in compliance with the ſentiments of Mr. Powys, that every man ought to avow his opinion in ſuch a critical moment, and declared, the Queſtion of Right was indiſpenſibly neceſſary to be diſcuſſed and decided, after what had paſſed in that Houſe and elſewhere; upon which the Rights and Privileges of the Prince, of the Commons of England, and the Liberties of the People depended. It was not merely the declaration of an inſignificant individual, thrown out on ſpeculation, but it was made in a very peremptory and dictatorial manner, in the Senate of the Nation, by a perſon believed to be in the confidence of his Prince, ſurrounded by others his moſt confidential friends, not attempted to be contradicted or explained away by any, but even ſupported by one (Mr. Sheridan) until they had conſulted their pillows, and met in Convention at an appointed place. The mere effect of words were afterwards endeavoured to be done away, but the ſubſtance and principle remained as much at iſſue as ever it was. A deciſion either way Mr. Rolle thought leſs likely to inflame, than to permit the Queſtion to float in ſuſpence. Mr. Rolle ſaid, he always acted from the dictates of conſcience, and delivered his ſentiments with the ſame indifference to parties as his worthy colleague had declared he did. He had no doubt, whatever difference there might be in their means of attaining the end, their object was the ſame, the real intereſt and happineſs of their Country, the Preſervation of the Conſtitution, and the juſt Rights and Privileges of the King, the Prince, the two Houſes, and the Public. He had not the ſame dread of a diſpute between the two Houſes of Parliament, nor with another Kingdom; ſuch imaginary fears ought not to make this Houſe ſhrink from its duty and conſequence. His worthy colleague was preſent when Mr. Rolle told his conſtituents (in uniſon with whoſe ſentiments he ever wiſhed to act) that it was meaſures and not men he would ever look to for his public guide; and that ſo long as the Right Hon. Gentleman at the Head of the Treaſury appeared to him to be actuated by principles of loyalty to the King, and of zeal and regard to the intereſt of the Nation and the conſtitutional Rights of the Subject, Mr. Rolle.

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he ſhould have his ſupport, and no longer. He agreed with his colleague, that the Right Hon. Gentleman's conduct hitherto had been ſuch as to entitle him to the confidence and applauſe of his country, which had gained him a preference in the public opinion and wiſhes to his opponent (Mr. Fox). He had reſtored our commerce, and exalted the national character, both of which were in a ſtate of ruin and degradation when he was placed by his Sovereign, with the general voice of the people, to conduct the moſt important truſts of the country. On the preſent occaſion he appeared to be actuated by an anxious and ardent wiſh to preſerve the Rights of the Crown ſafe and entire, in a moment of ſingular calamity and misfortune, therefore his honeſt endeavours ſhould have his moſt zealous and ſincere ſupport. Mr. Rolle profeſſed the higheſt reſpect for the Prince of Wales, declaring no perſon wiſhed more fervently for his real intereſt and happineſs than he did; notwithſtanding he would never allow him the inherent Right independent of the two Houſes, yet he was ready to admit that a Prince of Wales, of full age and capacity, was the propereſt perſon to be appointed the Regent, provided he had not by any illegal or unconſtitutional act forfeited ſuch pretenſions. However brilliant might be his virtues, or illuſtrious his character, it ſhould never ſo far dazzle his eyes as to make him loſe ſight of the duty he owed to a lawful and much beloved Sovereign, and to the People of England. If the Prince ſhould be the Regent, Mr. Rolle ſaid, he ſhould ever find him firmly attached to his true intereſts, and ever loyal and dutiful to himſelf and family. When the great Queſtion comes, he would endeavour to diſcharge the great truſt delegated to him by his conſtituents, to the beſt of his judgment, faithfully and conſcientiouſly, without fear or partiality either on the one hand or the other.

Mr. Macdonald.

The *Attorney General* then roſe and ſaid, that as his duty required of him, he had uſed ſome induſtry in looking into the ſubject of the preſent debate, and had adverted to the arguments of the noble Lord, with the reſpect due to his ability and experience; but he muſt at the ſame time ſay, that the noble Lord's acute diſcernment never appeared to him to have failed ſo much as on the preſent occaſion. The objects which the noble Lord was anxious to attain, were the very objects of the preſent motion—Expedition and

and conſtitutional certainty. No loſs of time could be incurred by determining that it was the *right and duty of the Lords and Commons* to provide for the preſent exigency; on the contrary, that ſuch a Reſolution was a neceſſary foundation for all their future proceedings, as well as to vindicate the rights of the whole community. He deſired that the diſtinction between the *politic* or official capacity of the Crown, and the *natural* and human capacity of the perſon of the King, might ever be kept ſeparate, for upon that diſtinction the whole rectitude of their proceedings depended. The *politic* capacity was *invulnerable*, the *natural capacity not ſo*. The former required no ſupply, the latter only unfortunately did. The mode in which the latter was in ancient times ſupplied, lay in ſome obſcurity. Whether in tender infancy the expreſſion of the King's will by his Great Seal was directed by his Privy Council, his great Council of Peers, or his ſtill greater Council of Parliament, was a matter of ſome obſcurity, but that it was ſo manifeſted is certain, and that manifeſtation by the Great Seal is proved by the Rolls of Parliament, uniformly to have been deemed neceſſary. In what ſhape it was to be manifeſted in the preſent inſtance would be the ſubject of future conſideration. He admitted with the noble Lord, that to act, and not to determine abſtract queſtions, was the duty of the Committee; but that it was impoſſible to conſider the explaining the principles upon which the Committee acted to the Community at large, as an abſtract queſtion, or ſo to conſider it, with a view to conduct which, for the benefit of that Community, they were bound to obſerve. He begged leave to advert to the ſituation in which both Houſes of Parliament, met in obedience to the King's Writ of Summons, were then placed. They were the only poſſible Counſellors to adviſe the King's *politic* capacity as to the mode in which the exerciſe of the *natural* capacity might be ſupplied, in the preſent ſituation of affairs, and dwelt for ſome time upon the diſtinction between the natural and politic capacity of the King, which conſtituted the difference between an abſolute vacancy of the Throne, (which exiſted at the Revolution) and a temporary ſupply of ſome of its natural functions. He then obſerved, that the queſtion had been greatly narrowed by the noble Lord's propoſing in effect, that the preſent debate ſhould be put an end to, upon the ſuppoſition that its continuation

tinuation muſt be attended with public diſquietude, and that the Heir Apparent having tendered *no formal claim*, rendered it unneceſſary. He adverted to the perſon and the manner in which that Claim had been introduced; not by a Member of the Houſe caſually, and as it were by conjecture, but by a great ſtateſman, anxiouſly, ſtudiouſly, and upon full conſideration, deſiring to be underſtood to do it *in limine* of the whole proceeding, on the very moment of preſenting the Report of the Committee of enquiring into the ſtate of the King's health. He obſerved alſo, that a degree of acclamation had attended that propoſition, and proteſted, with ſome warmth, that ſo long as any one Member in that Committee profeſſed himſelf to adhere to that propoſition, he ſhould himſelf take the ſenſe of the Houſe upon the preſent queſtion. That their anceſtors, and predeceſſors in that Houſe, had furniſhed them with two clear and perfect examples, nearly ſimilar, at two different periods, at the diſtance of thirty-two years, in the reign of King Henry VI. founded, as the Parliamentary Records declare, on a ſearch of former precedents. From that time no precedent could be expected, as no occaſion called for any ſuch proviſion till the reign of King Henry VIII. when Regency Acts began, which had from time to time been renewed. It would, therefore, he obſerved, be *leaving* their anceſtors *in the lurch*, if the Committee deviated from thoſe examples founded on all preceding practice, which proved a Regent to be unknown to the common law of the land, and a mere creature of Parliament. He enforced this by adverting to the Rolls of Parliament, which proved, that when the Duke of York was made Regent by King, Lords, and Commons, in the reign of King Henry VI. a patent was directed to be ſealed in favour of the Prince of Wales when he ſhould come of age, which demonſtrated, as he contended, that without a patent, the Prince of Wales, when of age, could not claim *as of right*, muſt leſs *aſſume*, the Regency of this realm. With reſpect to diſquietude of the minds of the ſubjects of Great Britain, he inſiſted that this great queſtion having been anxiouſly introduced by a Right Hon. Gentleman, it muſt now be ſettled for all poſterity. If the embers of that queſtion were ſuffered to remain ſmothering, they might hereafter burſt out in a conflagration, very, very difficult to extinguiſh; but it had been ſaid, that

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the preſent queſtion was entirely new, and he would for the ſake of argument take it to be ſo, at the ſame time denying that it was ſo. If new, this principle muſt be adverted to, which was the foundation ſtone of the liberties and privileges that Britiſh ſubjects enjoy: That although the neceſſity of ſome government amongſt human beings is as apparent as that of food or cloathing, yet that the powers of Government muſt be derived from the Community at large, and that it muſt be clearly and diſtinctly ſhewn, that they have parted with any ſpecific power claimed even by the Crown, much more by its ſubſtitute. The evidence of this could only be by uſage or written law; and he challenged the Gentlemen of his own profeſſion to maintain, whether there exiſted one ſingle document, *dictum*, or ſyllable, which maintained the preſent doctrine, and whether there did not exiſt the moſt profound authorities to the contrary.

He then enlarged upon the ſeveral ſpecies of property, in order to ſhew that nothing could be derived from analogy to them, whether it conſiſted of perſonal or real property, of offices, or dignities, which could ſupport the argument againſt the preſent queſtion. He then conjured the Houſe not to *ſkulk* from the real and ſubſtantial queſtion of their Rights, under the ſhelter of a ſort of previous queſtion, but manfully to recollect that they were themſelves acting, not for themſelves perſonally, but for the people of Great Britain, and for the ſubjects of the empire, from the higheſt to the loweſt. The Attorney General obſerved, that the dead ſilence of the whole law upon this common law right of a Regent, was a ſtrong proof that it was unknown. If there were ſuch a common law officer, he aſked how our anceſtors, when framing the Coronation Oath, the counterpart of the Oath of Allegiance, had not directed that it ſhould be adminiſtered to *Regents* as well as to Kings; whereas, according to the doctrine of the day, a Regent was to ſtep into the Throne without ſuch pledge given to the people of the land for the enjoyment of their rights, civil and religious. This dead ſilence as to common law right was however interrupted by the powerful language of Parliament, when it granted a reverſionary patent to the Prince of Wales, then a minor, when he ſhould come of age. It ſeemed as if this had

been done to preclude any Claim of Right for ever, and hoped we ſhould profit by that leſſon this day.

Mr. Fox. Mr. *Fox* ſaid, after what had paſſed, it was impoſſible for him to ſit ſilent, although it had not been his intention to have troubled the Committee with much that day; and indeed if he had thought it neceſſary, after what the Houſe had before heard from him on the ſubject, to enter into any farther juſtification of his opinion, which he did not, he was not from perſonal indiſpoſition capable of doing that juſtice to its defence which he was ſure it deſerved. Not thinking it neceſſary to make ſuch a defence, he ſhould treat the queſtion only in a collateral way, and therefore ſhould not have occaſion to detain the Committee very long, nor was there danger of his injuring that cauſe which he had engaged in, by any deficiency of reaſoning reſulting from his preſent bad ſtate of health. After an exordium to this effect, Mr. Fox ſaid, any man would imagine that from the weakneſs of the arguments advanced on the other ſide, thoſe who had uſed thoſe arguments wiſhed to provoke him to debate the *Right* of his Royal Highneſs the Prince of Wales to exerciſe the Sovereign Authority, during the incapacity of the Sovereign. From the extreme futility of their reaſoning, from the glaring abſurdity of their inferences, the falſe premiſes that they had laid down, and the irrelevant and inapplicable precedents which they pretended to rely on, they perhaps thought that they held out a temptation ſo ſtrong, *that fleſh and blood could not withſtand it*. Could the Right Hon. Gentleman and his friends ſuppoſe that the Committee would think them ſerious in ſupporting the ſyſtem they meant to proceed upon in the preſent exigency, by producing the ſort of precedents to which they had referred? What a miſerable ſyſtem muſt that be, the prominent features of which were ſo diſgraceful? Was the practice of the preſent times, times ſo enlightened, and in which the principles of the Conſtitution were ſo well underſtood, to be grounded on precedents drawn from ſo dark and barbarous a period of our Hiſtory as the reign of Henry the Sixth? and were the Rights of that Houſe of Commons and its proceedings, in one of the moſt difficult moments that had ever occurred, to be maintained and vindicated by the example of the Houſe of Lords, at a time that the Rights of

of the Commons Houſe of Parliament were ſo ill underſtood, or ſo weakly ſuſtained, that its *Speaker was actually in priſon*, on commitment of the Houſe of Lords; in priſon upon a judgment in favour of that Duke of York, whoſe meaſures Adminiſtration had avowed it to be their intention to imitate. Let the Committee reflect a moment on the period, the infamous tranſactions of which were choſen to be made the model of the proceedings of this day; that period which led immediately to the wars between the Houſes of York and Lancaſter, and was that melancholy æra at which all the diſmal ſcene of anarchy, confuſion, civil warfare and bloodſhed, that ſo long deſolated the kingdom, and reduced it to a ſtate of unparalleled diſgrace and diſtreſs, commenced? Were the Committee to ſelect their Precedents from ſuch times, and to govern their conduct by ſuch examples? From a time, too, when the Houſe of Commons was proſtrate at the feet of the Houſe of Lords, when the third Eſtate had loſt all energy and vigour, and when all the power lay wholly in the hands of the Barons? Precedents drawn from ſuch times could not be reſorted to with ſafety, becauſe there was no analogy between the Conſtitution then, and the Conſtitution as eſtabliſhed at the Revolution, and ſince practiſed. All Precedents taken from periods preceding the Revolution, muſt be Precedents that bore no analogy to the preſent caſe; becauſe at no one period before the Revolution was civil liberty clearly defined and underſtood, the rights of the different branches of the Legiſlature aſcertained, and the free ſpirit of our Conſtitution felt and acknowledged. The earlier periods of our Hiſtory were ſuch as only ſhewed the changes of hands into which power ſhifted, as the circumſtances of the times ordained. In one reign the power would be found to have been in the King, and then he was an abſolute tyrant; in others the Barons poſſeſſed it, and held both King and Commons in the moſt ſlaviſh ſubjection; ſometimes the democracy prevailed, and all the oppreſſions of a democratical government were practiſed in their fulleſt enormity. No Precedent, therefore, drawn from times ſo variable, where right and wrong were ſo often confounded, and where popular freedom had neither an exiſtence nor a name, ought to be relied on. Amidſt all the Precedents, he deſired to know if they had found one of a Prince of Wales, of full age and full capacity, who

had been denied the exerciſe of the Sovereignty during the known and declared incapacity of the Sovereign? One of the Precedents the Right Hon. Gentleman had mentioned leant rather that way; he meant the Precedent in the reign of Edward the Third, where the Prince of Wales, though a minor, was declared Regent in the abſence of his father. With regard to what the Right Hon. Gentleman had ſtated of the quarrel between the Cardinal de Beaufort and the Duke of Glouceſter, was that at all in point to the caſe to which the Right Hon. Gentleman had ſo invidiouſly applied it? What was that charge?—A charge that Cardinal de Beaufort had, in the reign and during the life-time of Henry the Fourth, adviſed the Prince of Wales (afterwards Henry the Fifth) to take upon himſelf the exerciſe of the Sovereign Authority. Was there the ſmalleſt degree of analogy between the illneſs of Henry the Fourth, and the known cauſe of the incapacity of our preſent Sovereign? Henry the Fourth was afflicted with a languor, the natural concomitant of age, and, in his caſe, the conſequence of a fever, and long ſickneſs; but was Henry the Fourth therefore incapacitated from the exerciſe of the Sovereign Authority? By no means; he might not be able to meet his Parliament, but moſt undoubtedly he was not diſabled from executing public buſineſs of any other kind. He was in full poſſeſſion of his mental faculties, could iſſue his orders, and inſtruct his Miniſters, juſt as well as he could do either in the fulleſt vigour of his youth. To adviſe the Prince of Wales, therefore, under ſuch circumſtances, to take upon himſelf the exerciſe of the Sovereign Authority, was to adviſe him to be guilty of High Treaſon, and had the Prince of Wales been ſo adviſed, and followed the advice, he had no ſcruple to ſay, the Prince would have been guilty of High Treaſon, and have ſubjected his life to forfeiture. It was no wonder, therefore, that Cardinal de Beaufort, feeling the weight of ſuch an accuſation, as that urged againſt him by the Duke of Glouceſter, and knowing the ſerious conſequences it led to, ſhould ſuch a charge be proved againſt him, acted wiſely in avowing his innocence, ſtanding upon his defence, and deſiring that the matter might be referred to the Judges, that he might be purged of the guilt imputable to ſo foul an offence.

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On the preſent occaſion there had been, he obſerved, two aſſertions of poſitive Right on both ſides the Houſe; on his ſide, the aſſertion of the *Right* of the Prince of Wales, being Heir Apparent, and of full age and capacity to exerciſe the Sovereign Authority during his Majeſty's infirmity; on that of the Right Hon. Gentleman, the aſſertion, that the Prince had *no more Right* to exerciſe the Sovereign Authority under ſuch circumſtances, than any other individual ſubject. He did not underſtand the invidious dignity he had been exalted to on this occaſion, nor could he admit what the Hon. and learned Gentleman, who ſpoke laſt, had been pleaſed to lay ſo much ſtreſs upon, that any opinion delivered in that Houſe by ſo humble and inſignificant an individual as himſelf, or by any Member of what rank and degree ſoever, ought to be made the ground of a proceeding of the Houſe. But ſince the Right Hon. Gentleman was determined to make a perſonal Queſtion between them, ſince he condeſcended to conſider himſelf his Rival, and choſe to have recourſe to his majority, why would he not try his opinion, and let the Queſtion be, "That it is the opinion of this Committee, that his Royal Highneſs the Prince of Wales, being Heir Apparent, and of full age and capacity, *has no more Right to exerciſe the Royal Authority, during his Majeſty's Incapacity, than any other individual ſubject.*"

The Right Hon. Gentleman well knew, he dared not venture to ſubject ſuch a queſtion to debate. He well knew, that with all his Majorities, he could not riſque it: he well knew, that if he could have ſo far loſt ſight of prudence as to have hazarded ſuch a queſtion, notwithſtanding his high character, and his known influence within thoſe walls, there would not have been twenty Members, who would have ſupported him in it. In fact, he well knew, that the moment he let ſuch an opinion eſcape his lips, it was execrated by all who heard it, and that it had been ſince execrated, by all who had heard of it, out of doors. What had been the conſequence of this? conſcious of his error, and conſcious that ſo monſtrous a doctrine as he had ſuffered himſelf, in an evil hour, to deliver, had revolted the public mind, the Right Hon. Gentleman had ſeized on the firſt moment that offered, to qualify what he had ſaid, by unneceſſarily coming forward with a declaration that, though he would not admit the Prince of Wales's *Right* to

exerciſe the Sovereign Authority, during the incapacity of his father, yet he confeſſed that on grounds of expediency, and as a matter of diſcretion, the perſon to hold the Regency ought to be the Prince of Wales and no other. This mode of argument, Mr. Fox ſaid, reminded him of what had paſſed in that Houſe about 13 years ago, between an eminent Crown Lawyer, now the firſt Law Character in the kingdom [the Lord Chancellor] and himſelf. At the time to which he referred, the argument had been the Right of this Country to tax America, when he had contended, "that Great Britain had an undoubted Right to tax her American colonies, but that the exerciſe of that Right would be in the higheſt degree unjuſtifiable on the part of Great Britain." In anſwer to this, the great Lawyer, with a quaintneſs peculiar to himſelf, had ſaid, "I ſhould be glad to know what that *Right* is, which, when attempted to be exerciſed, becomes a *Wrong*." In the preſent caſe, the Right Hon. Gentleman had acted upon the converſe of the great Lawyer's maxim, he had pronounced the *Right* a *Wrong*, and having done ſo, he had immediately proceeded to exerciſe it in the moſt effectual manner. In one point of view, and in one point of view only, could he imagine the exiſtence of a *Right*, which, when exerciſed, might become a *Wrong*, and that was this: The three Branches of the Legiſlature, conſiſting of King, Lords, and Commons, had a Right to authorize and act a *moral evil*. They might ſet aſide the ſucceſſion, and deprive the Prince of Wales of his Hereditary Right to ſucceed his preſent Majeſty, but this enormity could not of Right be practiſed by the two Houſes of Parliament, independent of the conſent of the Sovereign, any more than the Miniſter could ſet himſelf up in competition with the Prince of Wales, and conteſt with him as a claimant for the Regency. He repeated his opinion, that a Right attached to the Prince of Wales, as Heir Apparent, to exerciſe the Sovereign Authority, upon the King's incapacity being declared by the two Houſes of Parliament; the Prince's Right, however, being all along conſidered as ſubject to the adjudication of both Houſes of Lords and Commons. This opinion he had not changed, nor did he feel the ſmalleſt diſpoſition to change it; and indeed the Hon. and learned Gentleman, who ſpoke laſt, ſeemed to be ſo much of his opinion, that he had, if he underſtood him rightly, expreſsly declared, that in caſe of the demiſe

miſe of the Crown, nothing ſhort of an Act of Excluſion could prevent the Prince from ſucceeding to the Throne, and that even nothing ſhort of ſuch conduct as would deſervedly warrant an Act of Excluſion, ought to ſet a Prince of Wales, of full age, and full capacity, aſide from the Regency. The counter opinion to his was fraught with ſo many, and ſuch enormous evils, that he was perſuaded, no moderate man, who conſidered the ſubject with the degree of attention that it moſt undoubtedly merited, would for a moment maintain it, either on the ground of right, of diſcretion, or of expediency. Whatever his opinion was, why ſhould that right be diſcuſſed, which had been neither claimed, nor was intended to be claimed? That this was the preciſe ſtate of the fact, was not to be doubted, ſince the declaration that had been ſo graciouſly communicated from the higheſt authority in another place. Of the manner in which that communication had been made, and the commendation that was due to the exalted perſonage who made it, he would not ſay one word, becauſe he would not run the riſque of having what was due to merit, miſtaken for fulſome adulation, and ſervile flattery. But the claim thus diſavowed, how muſt the preamble of a Bill run, truly to deſcribe the caſe as it ſtood at preſent. "Whereas his Royal Highneſs the Prince of Wales, "never having claimed a Right to the Regency, it becomes ne-"ceſſary for the Lords Spiritual and Temporal, and for the Com-"mons of England to declare, that his Royal Highneſs has no "right, and we therefore do hereby declare his Royal Highneſs "Sole Regent of theſe kingdoms." Mr. Fox reaſoned on the abſurdity of a Bill ſo worded, and contended, that it muſt be ſo worded, unleſs they falſified the fact, and made a courſe of law a ground work of the Bill. He obſerved, that all this difficulty and embarraſſment was created, when there was not the ſmalleſt occaſion for it, ſince it was the concurrent opinion of all mankind, that the Prince of Wales ſhould be the Regent; why then would the Right Hon. Gentleman thus agitate the matter, unleſs it were for the little purpoſe of perſonal triumph? He condemned the boaſting language that had been held on this occaſion of gratitude to the Sovereign, and the ſtrong aſſertions that had been made, that ſuch gratitude ſhould be exemplified by the conduct of thoſe, who confeſſed themſelves under perſonal obligations to the Sovereign.

Perſonal attachment, he contended, was no fit ground for public conduct, and thoſe who had declared they would take care of the rights of the Sovereign, becauſe they had received favours at his hands, betrayed a little mind, and warranted a concluſion, that if they had not received thoſe favours, they would have been leſs mindful of their duty, and have acted with leſs zeal for his intereſt, than if they had not been indebted to him for any favours. He owned himſelf indebted to the Heir Apparent for having been for ſeveral years favoured with his confidence, but neither that flattering mark of diſtinction had not been made the ſubject of his ſpeeches in that Houſe, nor had he ever conſidered it as a proper motive for his public conduct. Neither on the preſent occaſion, nor at any time, if he thought the objects of his Royal Highneſs incompatible with the public intereſts, ſhould he think he paid a compliment to the Prince, any more than he ſhould think he acted conſiſtently with what was due to his own character, in ſuffering the conſideration of the terms on which he lived with his Royal Highneſs, to bias him in the ſmalleſt degree, or induce him to act contrary to what he, in his conſcience, thought moſt likely to promote the welfare of the public. Whereas the Right Hon. Gentleman appeared to act upon a very oppoſite principle, and repeatedly introduced the name of the Sovereign, though ſeldom for any other purpoſe, than an oſtentatious diſplay of the confidence repoſed in himſelf.

To the Houſe of Brunſwick this country ſtood in an eminent degree indebted; indeed, few Princes ever deſerved the love of their ſubjects more than the Princes of that Houſe. Since their acceſſion to the Throne, their Government had been ſuch as to render it highly improbable that there ſhould ever be ground for an Act of Excluſion to paſs to ſet aſide one of their Heirs from the ſucceſſion, or that ſuch a circumſtance ſhould ever become a neceſſary ſubject of contemplation. If the Princes of the Houſe of Brunſwick had at any time differed with their ſubjects, it had been only on collateral points, which had been eaſily adjuſted in Parliament. No one of the Princes of that Houſe had ever made any attempt againſt the conſtitution of the country, although had ſuch a miſchievous deſign been meditated, there had at moſt times been a party exiſting that would have been ready to abet them in any

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ſcheme the blackeſt and moſt fatal that ever tyrant deviſed againſt the liberties or the happineſs of his ſubjects. The love, therefore, of the people was due to the illuſtrious family on the Throne, in ſo peculiar and eminent a degree, that every thing that looked as if it could at any diſtance endanger the hereditary Right of the Houſe of Brunſwick to the ſucceſſion, ought to be guarded againſt with peculiar jealouſy and peculiar caution. Excluſive of the concurrence of the public voice, not only the ſpirit of the conſtitution pointed out the Heir Apparent as the fitteſt perſon to be Regent, but the Act of Settlement might be defeated if his Royal Highneſs were paſſed by, and the doctrine of the Right Hon. Gentleman carried into effect. In adhering to the principles of the Act of Settlement, there could be no ill; if, as the Hon. and learned Gentleman had ſaid, there ſhould be a Prince of Wales, whoſe political principles were ſo depraved, that in oppoſition to his own natural intereſts, he ſhould have followed the example of Charles the Firſt, and James the Second, either in the one inſtance indicating a determination to become a Tyrant, and deſtroy the liberties of his ſubjects, by ſubverting the Conſtitution, or in the other ſhould ſo connect himſelf with France, and the political enemies of his country, that every thing fatal was to be dreaded from his Government, ſuch a Prince of Wales ought to be excluded from the Regency, in like manner as he undoubtedly would be excluded from the Throne, on the natural demiſe of his father, or predeceſſor. But then the Bill of Excluſion to paſs in ſuch caſe, muſt be the work of the Legiſlature complete, and not the Act of two branches of the Legiſlature only. Let the Committee conſider the danger of making any other perſon Regent beſides the Prince of Wales! If the two Houſes could *chooſe* a Regent, they might chooſe whom they pleaſed; they might chooſe a Foreigner, a Catholic, (for the law defines not the Regent) who, while he held the power of the Third Eſtate, might prevail on the other two Franches of the Legiſlature to concur with him, alter or ſet aſide the ſucceſſion, and turn away the Houſe of Brunſwick, and put them in the ſituation of the Houſe of Stuart. He ſaw this doctrine was deemed extravagant, but he meant to put an extravagant caſe; he had not, however, put an impoſſible one; let them turn to the favourite period of our hiſtory, favourite at leaſt with the other

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ſide of the Houſe that day, the reign of Henry VI. and they would find that Richard, Duke of York, took advantage of his power as Protector of the kingdom, actually diſinherited the Prince of Wales, and the whole line of Lancaſter, though they were more nearly allied, and had much better pretenſions to the Crown than the Houſe of York. The ſame diſmal ſcene that had diſgraced our annals at that period might be acted over again, if the two Houſes of Parliament ever concurred to ſubvert the Conſtitution, by aſſuming to themſelves the exerciſe of the Royal Prerogative, and arrogating the right to legiſlate and make law in the teeth of the ſtatute of the 13th of Charles the Second, which he had on a former day had occaſion to mention, and which not only declared, that the two Houſes of Parliament could not make laws without the conſent and concurrence of the King, but alſo declared, that whoever ſhould preſume to affirm the contrary, ſhould be guilty of High Treaſon, and incur the pains and penalties of a *premunire*. To make a law for the appointment of a Regent, he conſidered, ſo far as it went, as a converſion of the ſucceſſion to the Monarchy from hereditary to elective, and what ſort of a Conſtitution that was, which had an elective Monarchy, Poland, and the miſerable condition of its ſubjects, ſufficiently evinced. The right to make Laws, reſted only in the Legiſlature compleat, and not in the concurrence of any two Branches of it. Upon that very principle was our Conſtitution built, and on the preſervation of it, did its exiſtence depend. Were the caſe otherwiſe, the Conſtitution might be eaſily deſtroyed, becauſe if the two Branches could aſſume the power to make Law, they might, in that Law, change the genius of the third Eſtate. The preſent ſituation of affairs had, he ſaid, been compared to the Revolution, but, in fact, it was no ways ſimilar. The Throne had then been declared *vacant*, and the reſt of the Conſtitution remained; now the Throne was declared *full*, but its authority was ſuſpended. At the period of the Revolution, the Convention that was then aſſembled, conſcious that they could not make any change in the genius of the Monarchy until they had a head, firſt reſtored the third Eſtate, and then defined its power. Whereas the Committee were called on to proceed in a different way, firſt to new-caſt the Office, and then to declare the Officer. He aſked what muſt be the ſituation of a Regent elected by that Houſe?

Houſe? He muſt be a pageant, a puppet, a creature of their own, *ſine pondere corpus*, an inſult and a mockery-inſult on every maxim of Government! He defined the nature and character of the three Eſtates. The Conſtitution ſuppoſed each of its three branches to be independent of the other two, and actually hoſtile, and if that principle was once given up, there was an end to our political freedom. Suppoſe that the Crown and Houſe of Lords could make laws without the concurrence of the Houſe of Commons, or the Crown and the Commons independent of the Lords, or the two Houſes of Parliament without the Crown; in either caſe, the Conſtitution was gone. The ſafety of the whole depended on the jealouſy of each of the other; not on the patriotiſm of any one branch of the Legiſlature, but rather on the ſeparate intereſts of the three, concurring through different views to one general good, the benefit of the community. A principle congenial to human nature, prone to the extenſion of power, and to the depreſſion of a rival. All theſe principles and arrangements would be deſtroyed by the preſent project, which would radically alter the Government, and of conſequence overturn the Conſtitution. He explained the particular powers of the Crown to defend itſelf againſt any encroachment on the part of the Commons or to reſiſt any faction in the Houſe of Lords. In the one caſe, by a Diſſolution, the King might repel the attempt on his prerogative, and by an encreaſe of the Peerage, he might quell the other.

He argued alſo on the power of giving either an *aſſent* or *diſſent* from any Bill, a power which operated equally againſt the ſingle deſign of one, or the confederate union of both Houſes, to trench on the conſtitutional rights of the Crown, and pointed out the diſadvantage of ſubjecting the Sovereign to ſuch difficulties as it would be liable to encounter, were the power of diſſolution, encreaſe of Peerage, and right of giving the aſſent or diſſent to Bills taken away. If there was to be a Monarch, he concluded that the Monarchical Power ought to be entire, declaring that the name and rank of a King, without the poſſeſſion of regal powers, was a being that did not come within the reach of his conception. If it appeared to the Houſe that the Royal Prerogative ought to be circumſcribed, let them inveſt a proper perſon with it, and then openly and manfully contend for the circumſcription or diminution

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of its powers; but to aim at an adverſary incapable of reſiſtance, was neither brave nor noble. He pointed out the danger of making the Regency elective, and of the two Houſes ſitting aſide the hereditary right to it; inſiſting, that the poſſeſſion of the Crown, and of the executive authority, muſt, in the nature of things, be governed by the ſame principles. In order to illuſtrate this, he put the caſe of a Polander aſking an Engliſhman whether the monarchy of Great-Britain was *hereditary* or *elective?* Any man familiar with the theory of the Conſtitution would naturally think, that the ready anſwer would be, that it was hereditary. But if the doctrine of that day prevailed, the anſwer muſt be, "I cannot tell; *aſk his Majeſty's Phyſicians.* When the King of England is in good health, the monarchy is *hereditary*; but when he is ill, and incapable of exerciſing the Sovereign Authority, it is *elective.*" The aſſertion that the Britiſh monarchy was elective, was, however, ſo palpably hoſtile to the principles of the Conſtitution, that it would not be tolerated for a moment. How then was the difficulty to be ſurmounted? A ſubtile and politic lawyer might be found, who would plauſibly advance, that though it muſt be allowed that the Monarchy was hereditary, the Executive Power might be elective. Thus the Crown and its functions might be ſeparated, as if they were in their nature diſtinct, whereas the one was the eſſence, and the other the name. He purſued his argument in an hypothetical dialogue between the Engliſhman and the Pole, with the occaſional aid of the politic Lawyer, to reconcile contradictions, and explain apparent impoſſibilities, very forcibly holding up to ridicule the argument of the gentlemen of the long robe, that the political, as well as the natural capacity of the King, remained whole and entire, although he was declared incapable of exerciſing his regal functions. If the Crown was to have no functions, why there ſhould be a King, was beyond his imagination to diſcover. The legal metaphyſics which diſtinguiſhed between the Crown and its functions, were to him unintelligible; they ſhould be *Schoolmen* and not *Stateſmen*, fitter for Colleges of Diſputation, than a Britiſh Houſe of Commons, if a Queſtion that ſo deeply involved the exiſtence of the Conſtitution was to be thus diſcuſſed. He aſked, where was that famous *dictum* to be found, that declared

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the Crown to be guarded by ſuch ſanctity, and left its powers at the mercy of every aſſailant.

After expoſing what he termed the abſurdity of legal metaphyſics, and calling upon the Gownſmen to ſhew him the *dictum* that ſupported the oppoſite aſſertion, viz. that the Prince of Wales had no more right to exerciſe the Sovereign Authority, during his Majeſty's incapacity, than any other individual ſubject, Mr. Fox proceeded to notice that part of the argument advanced againſt him, that he had deſerted the cauſe which he had hitherto been ſuppoſed to claim the peculiar merit of ſtanding forth on all occaſions to defend, viz. the privileges of the Houſe of Commons, againſt the encroachments of the Prerogatives of the Crown. He ſaid, his own reſiſtance of the latter, when it had been thought encreaſing unconſtitutionally, were well known; the influence of the crown had been more than once checked in that Houſe, and he really believed to the advantage of the people. Whenever the executive authority was urged beyond its reaſonable extent, it ought to be reſiſted, and he carried his ideas on that head ſo far, that he had not ſcrupled to declare, that the ſupplies ought to be ſtopped, if the Royal Aſſent were refuſed to a conſtitutional curtailment of any obnoxious and dangerous prerogative. Moderate men, he was aware, thought this a violent doctrine; but he had uniformly maintained it, and the public had derived advantage from its having been carried into effect. He deſired to aſk, however, if this were an occaſion for exerciſing the conſtitutional power of reſiſting the prerogative or the influence of the Crown in that Houſe? He had ever made it his pride to combat with the Crown in the plenitude of its power, and the fullneſs of its authority; he wiſhed not to trample on its rights, while it lay extended at their feet, deprived of its functions and incapable of reſiſtance. Let the Right Hon. Gentleman pride himſelf on a victory obtained againſt a defenceleſs foe, let him boaſt of a triumph where no battle had been fought, where no glory could be obtained. Let him take advantage of the calamities of human nature, let him, like an unfeeling Lord of the Manor, riot in the riches to be acquired by plundering ſhipwrecks, by rigorouſly aſſerting a right to the waifs, eſtrays, deodands, and all the accumulated produce

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of the various accidents that misfortune could throw into his power. Let it not be his boaſt to have gained ſuch victories, obtained ſuch triumphs, or advantaged himſelf of wealth ſo acquired.

After putting this, Mr. Fox recurred to the main argument, and declared, that all the labour of the Committee appointed to ſearch for Precedents had been fruitleſs, for that not one of the Precedents applied. If they tended to prove any thing, it was to eſtabliſh the Prince's Right, ſince in all of them the neareſt relative to the Crown, if in the kingdom, had been appointed the Regent, eſpecially a Prince of Wales. In the reign of Edward the Third, his ſon, commonly called the Black Prince, was declared Regent at only thirteen years of age, during the invaſion of France by his father; and afterwards, during the abſence of Edward and the Prince, his brother, Lionel Duke of Clarence was appointed. The Regencies in the reign of Henry the Sixth, proved the Right of the Prince of Wales the more fully, becauſe in that reign the Right of the Prince of Wales was recognized, (although he was not a year old) in the very Patent that appointed the Duke of York Protector.

Mr. Fox took notice of the remark made by an Hon. Gentleman in his ſpeech, (Mr. Baſtard,) that the Right Hon. Gentleman oppoſite him ſtood higher in the opinion of the public at preſent, than he did. He ſaid, before any Gentleman took upon himſelf to pronounce on ſuch topics, he ought to be ſure he was right in his aſſertion. He had every reaſon to believe the Hon. Gentleman was miſtaken in what he had ſaid, having lately had an opportunity of meeting his conſtituents, and having then received the moſt unequivocal and flattering proofs of their confidence and kindneſs. He agreed, however, moſt cordially with that Hon. Gentleman, in every obſervation that he had made of the probable effects of the preſent motion, if perſiſted in, with regard to Ireland, and the creation of a difference between the two Houſes of Parliament. With reſpect to Ireland, he ſaid, if the two Houſes of the Britiſh Parliament named the Prince of Wales as Regent of Right, moſt probably the Parliament of Ireland would do the ſame: if they ſpeculated,

the Iriſh Parliament would ſpeculate. Decide wiſely, and their deciſion would be held an example. Set the Queſtion of Right afloat, and it was impoſſible to ſay to what extent it might be carried. He once more queſtioned the neceſſity for the preſent proceeding, and urged the fallacy of pretending that the opinion *he*, a private Member of that Houſe, had delivered, and the opinion a noble and learned friend of his had delivered elſewhere, made it neceſſary. He reprobated the indecency of ſelecting the arguments of his noble and learned friend, and falſely applying them, merely for the purpoſe of placing them in a ridiculous point of view. The Right Hon. Gentleman muſt have known that the arguments of his noble and learned friend, were arguments merely advanced to prove that the Prince of Wales, as Prince of Wales and Heir Apparent, had Rights peculiar and diſtinct from thoſe of ordinary ſubjects, and not with a view to prove his Right to exerciſe the Sovereign Authority. The manner, therefore, in which the Right Hon. Gentleman had anſwered thoſe arguments, betrayed a narrowneſs of mind that he had not imagined the Right Hon. Gentleman would have condeſcended to have acknowledged. Having diſmiſſed this part of the ſubject, Mr. Fox deſired to know the uſe of bringing forward a Queſtion of Right, when the expediency of conſtituting the Prince of Wales Regent was on all hands agreed on. He charged the Chancellor of the Exchequer with a determination to legiſlate, without the power to do ſo effectually, which would alter the genius of the Third Eſtate, without any crime alledged againſt either the Sovereign, declared for the preſent incapable to exerciſe the Royal Authority, or the intended Regent. He ſaid, if they could make whom they pleaſed Regent, they could appoint the Regent for a day, a month, or a year, turning the monarchy into a republic, as had been the caſe with Rome. And while the Right Hon. Gentleman denied that the Prince of Wales had any more right than he had, he confeſſed it would be a breach of duty to think of any other Regent, and all this for the paltry triumph of a vote over him, and to inſult a Prince, whoſe favour he was conſcious *he had not deſerved*. Mr. Fox declared, he was ready to admit that the Right Hon. Gentleman's adminiſtration had been in ſome reſpects entitled to praiſe; he was ready to ſay what were the parts

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that moſt deſerved commendation, and as willing to give them his applauſe as any man could be. What he alluded to, were the meaſures adopted to detach Holland from its connexion with France. The whole conduct of that tranſaction, as well as its iſſue, was wiſe and vigorous, laudable and effectual, and he was happy to take that opportunity of delivering his ſentiments upon it. Of other meaſures of the preſent adminiſtration, he certainly entertained a very different opinion. The Right Hon. Gentleman, however, appeared to have been ſo long in the poſſeſſion of power, that he could not endure to part with it; he had experienced the full favour of the Crown, and had the advantage of exerting all its prerogatives, and finding the operation of the whole not too much for the ſucceſsful carrying on of the Government, he had determined to cripple his ſucceſſors, and deprive them of the ſame advantages that he had enjoyed, and thus circumſcribe their power to ſerve their country, as if he dreaded that they would ſhade his fame. Let the Right Hon. Gentleman for a moment ſuppoſe, that the buſineſs of detaching Holland from France, or any contingency of equal importance, remained to be executed; he muſt know there would be no power in the country to ſeize the advantage, if the Right Hon. Gentleman's principles were right. Mr. Fox called upon every honeſt Member of that Houſe, not to vote without perfectly underſtanding what the Queſtion went to, as well as the other Reſolutions. With regard to the Right Hon. Gentleman's motives, he knew not what they were; but if there was an ambitious man in that Houſe, who deſigned to drive the empire into confuſion, his conduct, he conceived, would have been exactly that which the Right Hon. Gentleman had purſued.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, in reply to Mr. Fox's ſpeech, that the Right Hon. Gentleman had thought proper, particularly in the latter part of his ſpeech, to digreſs from the queſtion before the Houſe, the Queſtion of *Right*, in order to enter into the Queſtion of *Expediency*, and that not ſo much for the purpoſe even of diſcuſſing that expediency, as to take an opportunity of introducing an attack of a perſonal nature on him. The Houſe would recollect, whether the manner in which he (Mr. Pitt) had opened the debate, either provoked or juſtified this

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animoſity. The attack which the Right Hon. Gentleman had juſt now made, he declared to be *unfounded, arrogant,* and *preſumptuous.* The Hon. Gentleman had charged him as acting from a miſchievous ſpirit of ambition, unable to bear the idea of parting with power, which he had ſo long retained; but not expecting the favour of the Prince which he was conſcious he had not deſerved, and therefore diſpoſed to envy and obſtruct the credit of thoſe who were to be his ſucceſſors. Whether to *him* belonged that character of miſchievous ambition, which would ſacrifice the principles of the Conſtitution to a deſire of power, he muſt leave to the Houſe and the country to determine. They would alſo judge, whether in the whole of his conduct, during this unfortunate criſis, any conſideration which affected his own perſonal ſituation, or any management for the ſake of preſerving power, appeared to have had the chief ſhare in deciding the meaſures he had propoſed. As to his being conſcious that he did not *deſerve* the favour of the Prince, he could only ſay, that he knew but one way in which he or any man could deſerve it; by having uniformly endeavoured, in a public ſituation, to do his duty to the King his father, and to the country at large. That if, in thus endeavouring to deſerve the confidence of the Prince, it ſhould appear that he in fact had loſt it, however painful and mortifying that circumſtance might be to him, and from whatever cauſe it might proceed, he might indeed regret it, but he would boldly ſay, that it was impoſſible he ſhould ever repent of it. Mr. Pitt then proceeded to remark on the Right Hon. Gentleman having announced himſelf and his friends to be the ſucceſſors of the preſent adminiſtration. He did not know on what authority the Hon. Gentleman made this declaration; but he thought, with a view to thoſe queſtions of Expediency which the Hon. Gentleman had introduced, both the Houſe and the country were obliged to him, for this ſeaſonable warning of what they would have to expect. The nation had already had experience of that Hon. Gentleman and his principles. Without meaning to uſe terms of reproach, or to enter into any imputation on his motives, it could not be denied that they had openly and profeſſedly acted on the ground of availing themſelves of the ſtrength of a party, to *nominate* the Miniſters of the Crown. That they maintained it as a funda-

mental principle, that a Miniſter ought at all times ſo to be nominated. He would therefore ſpeak plainly. If perſons, who profeſſed theſe principles, were in reality likely to be *the adviſers of the Prince* in the exerciſe of thoſe powers which were neceſſary to be given during the preſent unfortunate interval, it was the ſtrongeſt *additional* reaſon, if any were wanting, for being careful to conſider what the extent of thoſe powers ought to be. That it was impoſſible not to ſuppoſe, that, by ſuch adviſers, thoſe powers would be perverted to a purpoſe, which it was indeed impoſſible to imagine the Prince of Wales could, if he was aware of it, ever endure for a moment, but to which, by artifice and miſrepreſentation, he would unintentionally be made acceſſary, for the purpoſe of creating a permanent weight and influence in the hands of a party, which would be dangerous to the juſt rights of the Crown, when the moment ſhould arrive (ſo much wiſhed, and perhaps ſo ſoon to be expected) of his Majeſty being able to reſume the exerciſe of his own authority. The notice, therefore, which the Hon. Gentleman, in his triumph, had condeſcended to give to the Houſe, furniſhed the moſt irreſiſtible reaſon for them deliberately to conſider, leſt, in providing for the means of carrying on the Adminiſtration during a ſhort and temporary interval, they might ſacrifice the permanent intereſt of the country in future, by laying the foundation of ſuch meaſures as might for ever afterwards, during the continuance of his Majeſty's reign, obſtruct the juſt and ſalutary exerciſe of the conſtitutional powers of Government in the hands of its Rightful Poſſeſſor, the Sovereign, whom they all revered and *loved*.

The Chancellor of the Exchequer then proceeded to ſtate what appeared to be the reſult of the debate. The noble Lord in the blue ribband, he ſaid, as moſt Gentlemen who had ſpoken on that ſide of the Houſe, had argued not againſt the truth of the Reſolutions, but the propriety of coming to them, and had waved any diſpute on the Queſtion of Right. The Right Hon. Gentleman, though he affected alſo to object to the propriety of coming to this Reſolution, had directed his whole argument (as far as it went) to combat the truth of the Propoſition, and to maintain his former aſſertion in favour of the exiſting Right of the Prince of Wales. That this line of argument, ſupported by ſuch authority,

rity, was itſelf an anſwer to thoſe who doubted the propriety of any Reſolution.—With regard to the particulars of Mr. Fox's argument, he obſerved on the manner in which he (Mr. Fox) ſuppoſed him to have declined maintaining his former aſſertion, "That the Prince of Wales had no more right to the Regency, than any other ſubject in the country," and had added, that he did ſo from believing that not twenty perſons would join in ſupporting that Propoſition. The Chancellor of the Exchequer ſaid, that he did not retract *one word* of that aſſertion. Gentlemen might quarrel with the phraſe, if they thought proper, and might miſrepreſent it as the Hon. Gentleman had done, in order to cover the arguments uſed by a noble Lord in another place. But he was in the recollection of the Houſe, whether when he firſt uſed the expreſſion, he had not guarded it, as meaning to ſpeak *ſtrictly of a Claim of Right*, not of any reaſons of preference on the ground of diſcretion or expediency. It was alſo in their recollection, whether the Right he ſpoke of, was any other than the *ſpecific Right in queſtion*, namely, *the Right to exerciſe the Royal Authority under the preſent Circumſtances*. He had maintained that the Prince *had no ſuch Right*. If the Prince had not the Right at all, he could not be ſaid to have any more Right than any other ſubject in the country. But was it any anſwer to the aſſertion, that *as Prince of Wales he had no Right to the Regency*, to ſay that he had other rights different from the reſt of the King's ſubjects, but which had nothing to do with the Regency? Yet all the Rights of the Prince of Wales, which had been mentioned by the Noble Lord alluded to, were of this deſcription. It would be juſt as reaſonable if the queſtion were, whether any perſon had a right to a particular eſtate in Kent or Surry? to argue, Yes, he has, for he has ſuch and ſuch an eſtate in Yorkſhire and in Cornwall. With regard to the queſtion, whether twenty perſons did or did not agree in his denial of the Right of the Prince of Wales, he would put the whole on that iſſue, that if the Prince of Wales had any ſuch Right, the Reſolution he had moved could not be true; and he conſidered every perſon who differed from his aſſertion on that ſubject, as bound to vote againſt the preſent Motion. He then obſerved, that Mr. Fox, in diſcuſſing the Queſtion of Right, had gone on to obſerve, that the Right of the two Houſes, and the

of the Prince of Wales, were to be conſidered as two *rival Rights*, and that the only queſtion was, in favour of which the arguments preponderated. The Chancellor of the Exchequer obſerved, that he ſhould be perfectly ready to meet the queſtion on this iſſue, if it were the true one, for that the Right of the two Houſes was clearly ſupported by precedent and uſage in every ſimilar caſe, by expreſs declarations of Parliament, and by poſitive authority of law; but the Right of the Prince of Wales was not even attempted to be ſupported on any of thoſe grounds, but on pretended reaſons of expediency, founded on imaginary and extravagant caſes. That, however, in fact, this was not the fair iſſue of the argument. The Right of the Prince of Wales was not to be conſidered as a rival Right, to be argued on the ſame grounds as the other. It was a Right which could not exiſt unleſs it was capable of being *expreſsly* and *poſitively* proved; whereas the Right of Parliament was that which exiſted of *courſe*, unleſs ſome other Right could be proved to exclude it. It was that, which, on the principle of this free conſtitution, muſt always exiſt in every caſe where no poſitive proviſion had been made by law, and where the neceſſity of the caſe, and the ſafety of the country called for their interpoſition. That the *abſence* of any other Right was in itſelf enough to conſtitute the Right of the two Houſes, and that the bare admiſſion that the Right of the Prince of Wales was not clearly and expreſsly proved, was in fact an admiſſion of every thing then in debate.

Mr. Fox. Mr. *Fox* roſe again, to deny that he had *inſinuated* that he was to have a ſhare in the new government. As there were appearances of a probable change of men and meaſures, there was, he admitted, a *probability* of his having a ſhare in the executive government of the country; but he had never taken upon him to affirm it as a poſitive fact. He might, however, venture an aſſertion, that if the Right Hon. Gentleman was not certain of a change, if he had been aſſured of the contrary, there would have been *no limitation* to the power of the Regent. He cautioned the Houſe againſt a miſrepreſentation of the queſtion. He ſaid, that they were going to be *entrapped* into a *deciſion* of an *abſtract nature*, which might afterwards prove dangerous to the Conſtitution.

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The *Lord Advocate of Scotland* said, that he did not see how the general Question of Right could be waved, unless both Houses were ready to declare, that the Prince of Wales should not only be Regent, but invested with all the Royal Powers, without limitation or distinction; for if a limitation of any kind was to be the subject of debate, it did not seem possible to avoid a previous discussion of the Right. As to the question itself, he hoped it would be considered, that they were not met to deliberate upon a settlement of the kingdom of England alone; he thought it necessary to enquire into the constitution of England and of Scotland separately before the Union, and of Great Britain since. He had heard it very confidently affirmed, that were the supposed inherent Right of the Heir Apparent, to exercise the Royal Powers upon such occasions as the present, to be disallowed, the consequence would be, a virtual dissolution of the Union, the rule being fixed in Scotland in favour of such hereditary and legal Claim of Right: but he would take the liberty of asserting, with equal confidence, that the proposition had no real foundation. It was true, that by the law of that country, the Right of *private* guardianship did in certain circumstances attach upon the nearest male kinsman by the father's side, aged 25: and in the earlier periods of the Scottish monarchy, little distinction seemed to be made between the situation of a private guardian, and that of the person who acted for the King in his nonage, insomuch that some law authorities of great respectability had laid it down, that the powers of a Regent were merely *tutorial*, and it had been determined by the Parliament of Scotland, in the reign of James I. that the Duke of Albany, when Regent, could neither restore a person forfeited for treason, nor grant lands which had fallen to the Crown by bastardy. It was well known, that the powers of a private guardian were of the most confined nature, as going no further than the exigency of the case required, and merely for the purpose of ordinary management; but he thought it wrong to compare that case with the government of a kingdom, where powers of a very different nature were necessary to be given. L. Advocate

As to the appointment of a Regent, whatever his powers might be, the same had always been made in Scotland, as in England, under the sanction and authority of the States of the kingdom,

either previouſly given, or afterwards interpoſed, and ſometimes the next heir of the Crown had been choſen; ſometimes not, ſometimes one Regent, at other times more than one. Many of the kings of Scotland having fallen in battle, and ſome by the hands of their ſubjects, when the power of the ariſtocracy was too great; there had been more infant ſucceſſors, and more regencies in Scotland, than in moſt other countries; and the States of the kingdom had repeatedly ſhewn, that they did not conſider any individual whatever as having a fixed legal right to that office. When the Maid of Norway ſucceeded her grandfather Alexander the Third, ſix regents were appointed. In the infancy of James II. of Scotland, there was a regency of three. In that of James III. a regency of ſeven. In that of James VI. the Duke of Chatelerault, next preſumptive heir of the Crown, claimed the office upon that ground; but his claim was diſallowed, and firſt the Earl of Murray was appointed, afterwards others, none of whom were in the ſucceſſion to the Crown. It was of more conſequence, however, to conſider how that matter had been underſtood by the Legiſlature of Great-Britain ſince the Union; and ſurely it was impoſſible to read the Proviſional Acts of 24 Geo. II. and 5 Geo. III. without ſeeing clearly that no *Right* of Adminiſtration was then ſuppoſed to attach upon any individual. As to the idea of a *civil demiſe*, it was totally inapplicable to ſuch a caſe as the preſent. A perſon was held to be civilly dead, when he had loſt the rights of a citizen, as in the caſe of attainder; but was it ever thought that an *infant* was civilly dead? It would be a little hard, when he was but juſt born. An infant could hold property, could acquire, and had every civil right entire. A perſon incapable, from infirmity, to manage his own affairs, was exactly in the ſame ſtate; he could not, therefore, have a ſucceſſor while he was alive, and in the full poſſeſſion of his rights. In a word, the Lord Advocate contended, that neither the Prince of Wales, nor any other individual, had a legal right on this caſe to be Regent, though, in point of fitneſs and propriety, he ſuppoſed not a man in the kingdom would think of any other than his Royal Highneſs.

Mr. Milnes. Mr. *Milnes* (Member for York) in a ſhort but animated ſpeech reprobated the conduct of Mr. Fox and his friends, declaring, that it amounted to an abandonment of thoſe conſtitutional principles hitherto

hitherto the theme of univerſal admiration, by ſacrificing the rights of the two Houſes of Parliament to the claims of an individual. From the ſort of argument that they had adopted and maintained on this great and truly important occaſion, therefore, if they did ſoon come into power, as the Right Hon. Gentleman had that day given the Committee to expect, inſtead of a Whig Adminiſtration and a mild Government, which it had been their practice to hold out as what would be their true character and conduct when in office, the country had every reaſon to dread the moſt arbitrary and oppreſſive ſyſtem of meaſures that had ever diſgraced Miniſters, and harraſſed the ſubject in the worſt periods of our hiſtory.

The *Solicitor General* roſe. He ſaid, no man could vote on the preſent queſtion, without conſidering his allegiance to the Sovereign. We all agree, ſaid Sir John Scott, that his Royal Highneſs ſhould be Regent, but differ in opinion about the Right requiſite. He corroborated Mr. Pitt's argument, by affirming, that with regard to his Royal Highneſs's right, it was no more than that of any other individual—That it was a gift of expediency granted to him by Parliament—That as we had at preſent a King, although unfortunately incapable of exerciſing the Royal Authority, the Prince himſelf was only a ſubject—That his Majeſty's indiſpoſition was of a temporary nature, which, perhaps, would not longer preclude him from exerciſing his Authority, than a fever might preclude the Succeſſor, about whoſe rights they were then contending. [Here he was called to order]. The King, who acceded to the Throne in 1761, is ſtill on the Throne in this year 1788; therefore a law in any Court, acknowledging his ſupremacy, although Gentlemen might call ſuch a mode of reaſoning metaphyſical, entailed on tranſgreſſors at preſent the effects and penalties of that law. With regard to what had been advanced by the Right Hon. Gentleman, that the Phyſicians had declared his Majeſty incapable, he thought the argument abſurd, as in the *eye* of the *law*, we cannot believe the King's Phyſicians. It was his opinion that the Prince of Wales ſhould be fully inveſted with every authority requiſite for managing the public buſineſs with energy and effect; but recollecting that there was ſtill a King, he thought that the powers of the Regent ought to be circumſcribed. Sir John Scott.

Mr. Drake. Mr. *Drake* ſaid, he roſe to expreſs his opinion on a ſubject that had long agitated his mind. If by laying down his life *to-night*, he could ſerve his country, he was ready to do it. It had been long his glory and his pride to ſupport the meaſures in general of the Right Hon. and magnanimous Gentleman who propoſed the Reſolution, and he dreaded no political event ſo much as the change of the preſent Adminiſtation. The topic of debate, he ſaid, might be compreſſed into a nut-ſhell. He was afraid he was now on the awkward ſide of the queſtion, but thought the Reſolution proper, as an ultimate deciſion of the Claim of Right.

Sir *William Moleſworth*, Mr. *Lowther*, and General *Norton* ſaid a few words each.

At length the ſtrangers were deſired to withdraw, and the Committee divided.

The previous Queſtion was then put "for the Chairman's leaving the Chair;" when the numbers were,

Ayes	—	—	204
Noes	—	—	268
Majority for the MINISTER	—		64

Mr. Pitt's Propoſitions were afterwards put, and agreed to.

A COR-

A CORRECT LIST OF THE SEVERAL MEMBERS, WITH THE PLACES THEY REPRESENT,

Who voted FOR and AGAINST MR. PITT's MOTION, in the HOUSE OF COMMONS, in Support of the RIGHTS of the TWO HOUSES OF PARLIAMENT, on TUESDAY, DECEMBER 16, 1788.

London, ALDERMAN WATSON, in the Chair.

FOR *the Queſtion.*		AGAINST *the Queſtion.*
	Abingdon,	E. L. Loveden, Eſq;
Wm. Drake, Jun. Eſq;	*Agmondeſham*,	
William Grimſton, Eſq;	*St. Alban's*,	Wm. Charles Sloper, Eſq;
	Aldborough, Suffolk,	P. C. Creſpigney, Eſq; Samuel Salt, Eſq;
Sir R. Pepper Arden, J. Galley Knight, Eſq;	*Aldborough, Yorkſhire.*	
William Fellowes, Eſq; Benj. Lethieullier, Eſq;	*Andover*,	
Nicholas Bayley, Eſq;	*Angleſea*,	
Hon. J. L. Gower	*Appleby*,	
	Arundel,	Thomas Fitzherbert, Eſq; Richard Beckford, Eſq;
Robert Mackreth, Eſq;	*Aſhburton*,	
Sir Thomas Halifax	*Ayleſbury*,	William Wrightſon, Eſq;
William Devaynes, Eſq;	*Barnſtaple*,	John Cleveland, Eſq;
Lord Viſcount Bayham	*Bath*,	Abel Moyſey, Eſq;
Sir Hugh Williams, Bart.	*Beaumaris*,	
	Bedfordſhire,	Earl of Upper Oſſory, Hon. St. Andrew St. John
Samuel Whitbread, Eſq;	*Bedford*,	William Colhoun, Eſq;
Marquis of Graham, Lieut. Colonel Manners	*Bedwin*,	
	Beeralſton,	Lord Viſcount Fielding
George Vanſittart, Eſq; Henry James Pye, Eſq;	*Berkſhire*,	

Sir

For *the Queſtion.*		Against *the Queſtion.*
	Berwick,	Hon. General Vaughan Sir Gilbert Elliot, Bart.
Sir J. Pennyman, Bart. Lord Weſtcote	*Beverley,* *Bewdley,*	
	Biſhop's Caſtle,	William Clive, Eſq; Henry Strachey, Eſq;
	Blechingly,	John Kenrick, Eſq; Sir Robert Clayton, Bart.
	Bodmyn,	Sir John Morſhead, Bart. Thomas Hunt, Eſq;
Sir Richard Sutton, Bart. Matthew Montagu, Eſq; Hon. Charles Stuart	*Boroughbridge,* *Boſſiney,*	Viſcount Palmerſton
	Boſton,	Sir Peter Burrell
Col. Egerton Timothy Caſwall, Eſq; Sir H. G. Calthorpe, Bart. Major Hobart	*Brackley,* *Bramber,*	
	Breconſhire,	Sir Charles Gould
	Brecon,	Charles Gould, Eſq;
J. H. Browne, Eſq; Sir Alex. Hood, K. B. Robert Thornton, Eſq;	*Bridgenorth,* *Bridgewater,*	Thomas Whitmore, Eſq;
	Bridport,	Thomas Scott, Eſq; Charles Sturt, Eſq;
Matthew Brickdale, Eſq; Rt. Hon. W. W. Grenville Edmund Nugent, Eſq; John Call, Eſq; Joſeph Jekyll, Eſq; Philip Yorke, Eſq; Right Hon. William Pitt Earl of Euſton Francis Dickens, Eſq;	*Briſtol,* *Buckinghamſhire,* *Buckingham,* *Callington,* *Calne,* *Cambridgeſhire,* *Cambridge Univerſity,* *Cambridge, Town of*	
	Camelford,	James Macpherſon, Eſq; Sir Samuel Hannay, Bart.
George Gipps, Eſq; Charles Robinſon, Eſq;	*Canterbury,*	
	Cardiff,	Sir H. Mackworth, Bart.
	Cardiganſhire,	Earl of Liſburne
	Cardigan,	John Campbell, Eſq;
John Chriſtian, Eſq;	*Carliſle,*	Rowl. Stephenſon, Eſq;
	Caermarthen,	John G. Phillips, Eſq;
Walter Sneyd, Eſq; Charles Boone, Eſq;	*Caſtle-Riſing,*	
Sir R. S. Cotton, Bart.	*Cheſhire,*	John Crewe, Eſq;
Thomas Groſvenor, Eſq; R. W. Bootle, Eſq;	*Cheſter,*	

George

For *the Queſtion.*		Against *the Queſtion.*
	Chriſtchurch,	Sir John Frederick, Bart. Hans Sloane, Eſq.
George W. Thomas, Eſq;	*Chicheſter,*	
George Fludyer, Eſq;	*Chippingham,*	James Dawkins, Eſq;
Lord Apſley Richard Maſter, Eſq;	*Cirenceſter,*	
	Clitheroe,	Thomas Liſter, Eſq; John Lee, Eſq;
	Cockermouth,	J. C. Satterthwaite, Eſq; Humphrey Senhouſe, Eſq;
	Colcheſter,	Sir Robert Smyth, Bart.
John Bond, jun. Eſq; Henry Bankes, Eſq;	*Corff Caſtle,*	
Sir William Lemon, Bart.	*Cornwall,*	Sir W. Moleſworth, Bart.
Sir Samp. Gideon, Bart. John Wilmot, Eſq;	*Coventry,*	
Robert Nicholas, Eſq;	*Cricklade,*	J. Walker Heneage, Eſq;
	Cumberland,	Sir Henry Fletcher, Bart. William Lowther, Eſq;
Richard Hopkins, Eſq;	*Dartmouth,*	
	Denbighſhire,	Sir W. W. Wynn, Bart.
	Denbigh,	Richard Myddleton, Eſq;
	Derbyſhire,	Lord George Cavendiſh Edward M. Mundy, Eſq;
	Derby,	Lord G. A. H. Cavendiſh Edward Coke, Eſq;
John Rolle, Eſq;	*Devonſhire,*	John Pol. Baſtard, Eſq;
Francis J. Browne, Eſq;	*Dorſetſhire,*	
	Dorcheſter,	Hon. George Damer William Ewer, Eſq;
Robert Preſton, Eſq;	*Dover,*	
Robert Shaftoe, Eſq;	*Downton,*	Hon. W. S. Conway
	Droitwich,	Hon. Andrew Foley Edward Winnington, Eſq;
Barne Barne, Eſq;	*Dunwich,*	Sir G. W. Vanneck, Bt.
	Durham, County of,	Sir John Eden, Bart.
	Durham,	John Tempeſt, Eſq; Wm. H. Lambton, Eſq;
Alexander Irvine, Eſq; Lord Viſcount Belgrave	*Eaſt Looe,*	
Lord Charles Fitzroy	*St. Edmund's Bury,*	Sir Charles Davers, Bart.
Tho. B. Bramſton, Eſq;	*Eſſex,*	
Sir John Ruſhout, Bart. Char. W. B. Rouſe, Eſq;	*Eveſham,*	
John Baring, Eſq;	*Exeter,*	Sir C. W. Bampfylde, Bt.
General Phillipſon Major General Bathurſt	*Eye,*	
	Flintſhire,	Sir Roger Moſtyn, Bart.

Majo

For *the Queſtion.*		Against *the Queſtion.*
Major W. Williams	*Flint,*	
Philip Raſhleigh, Eſq; Hon. Richard Edgecumbe	*Fowey,*	
James Fraſer, Eſq;	*Gatton,*	
J. James Hamilton, Eſq; Samuel Smith, Eſq;	*St. Germain's,*	
Charles Edwin, Eſq;	*Glamorganſhire,*	
Hon. Capt. Berkeley Thomas Maſter, Eſq;	*Glouceſterſhire,*	
	Glouceſter,	John Webb, Eſq;
Francis Baring, Eſq; George Sutton, Eſq;	*Grampound, Grantham,*	
	Eaſt Grimſby,	John Harriſon, Eſq; Dudley Long, Eſq;
George Medley, Eſq;	*Eaſt Grinſtead,*	
Hon. Thomas Onſlow	*Guildford,*	Hon. General Norton
Rob. Thiſlethwaite, Eſq;	*Hampſhire,*	Jervoiſe C. Jervoiſe, Eſq;
John Robinſon, Eſq;	*Harwich,*	
	Haſlemere,	John B. Garforth John Lowther, Eſq;
John Stanley, Eſq; John Dawes, Eſq;	*Haſtings,*	
James B. Burgeſs, Eſq;	*Helſton,*	Roger Wilbraham, Eſq;
Right Hon. Tho. Harley	*Herefordſhire,*	Sir Geo. Cornwall, Bart.
	Hereford,	John Scudamore, Eſq; James Walwyn, Eſq;
Lord Viſc. Grimſton	*Hertfordſhire,*	William Plumer, Eſq;
Baron Dimſdale John Calvert, Eſq;	*Hertford,*	
Lionel Darell, Eſq;	*Heydon,*	
	Heyteſbury,	W. P. A'Court, Eſq;
	Higham Ferrers,	Right Hon. F. Montagu
Sir C. F. Ratcliffe, Bart.	*Highworth,*	
Will. Egerton, Eſq;	*Hindon,*	Will. Evelyn, Eſq;
RtHon. SirG. Yonge, K.B.	*Honiton,*	Sir Geo. Collier
Jer. Crutchley, Eſq; Phil. Metcalfe, Eſq;	*Horſham,*	
Lord Viſc. Hinchinbroke	*Huntingdonſhire,*	Earl Ludlow
	Huntingdon,	Sir Walter Rawlinſon John Willett Payne, Eſq;
Benj. Bond Hopkins, Eſq; Geo. Sumner, Eſq;	*Ilcheſter,*	
C. Alex. Crickett, Eſq;	*Ipſwich,*	William Middleton, Eſq;
Will. Praed, Eſq;	*St. Ives,*	
Hon. Charles Marſham	*Kent,*	Filmer Honeywood, Eſq;
	King's Lynn,	Hon. Horatio Walpole
Sam. Thornton, Eſq; W. Spencer Stanhope, Eſq;	*Kingſton-upon-Hull,*	

John

FOR *the Queſtion.*		AGAINST *the Queſtion.*
	Knareſborough,	Lord Viſc. Duncannon
John Blackburne, Eſq;	*Lancaſhire,*	Thomas Stanley, Eſq;
	Lancaſter,	Sir Geo. Warren, K. B. Ab. Rawlinſon, Eſq;
Lord Arden	*Launceſton,*	Sir John Swinburne, Bart.
J. Peach Hungerford, Eſq; Will. Pochin, Eſq;	*Leiceſterſhire,*	
Colonel Macnamara Charles Lor. Smith, Eſq;	*Leiceſter,*	
John Hunter, Eſq; Penn A. Curzon, Eſq;	*Leominſter,*	
Hon. Edward James Eliot Hon. John Eliot	*Leſkeard,*	
John Thomas Ellis, Eſq;	*Leſtwithiel,*	Sir John Sinclair, Bart.
Thomas Kempe, Eſq;	*Lewes,*	Hon. Henry Pelham
	Lincolnſhire,	Sir John Thorold, Bart. C. Anderſon Pelham, Eſq;
John F. Cawthorne, Eſq;	*Lincoln,*	Hon. R. L. Saville
	Litchfield,	George Anſon, Eſq;
Bamber Gaſcoyne, Eſq;	*Liverpool,*	Lord Penrhyn
Sir Watkin Lewes	*London,*	Nath. Newnham, Eſq; John Sawbridge, Eſq;
	Ludlow,	Lord Clive Richard P. Knight, Eſq;
Geo. Aug. Selwyn, Eſq; Nath. W. Wraxall, Eſq;	*Luggerſhall,*	
Hon. Thomas Fane Hon. Henry Fane	*Lyme Regis,*	
Robert Colt, Eſq; George Roſe, Eſq;	*Lymington,*	
Matthew Bloxam, Eſq;	*Maidſtone,*	Clement Taylor, Eſq;
John Strutt, Eſq;	*Malden,*	Sir Peter Parker, Bart.
	Malmeſbury,	Lord Viſcount Melbourne Lord Viſcount Maitland
	Malton,	Right Hon. Edm. Burke William Weddell, Eſq;
Earl of Courtown Sir Philip Halles, Bart.	*Marlborough,*	
Sir Thomas Rich, Bart.	*Marlow,*	William Clayton, Eſq;
Hugh Boſcawen, Eſq; William Young, Eſq;	*St. Mawes,*	
Chriſt. Hawkins, Eſq;	*St. Michael,*	David Howell, Eſq;
Henry Drummond, Eſq;	*Midhurſt,*	Edward Cotsford, Eſq;
Wm. Mainwaring, Eſq;	*Middleſex,*	
Lord Muncaſter	*Milbourne Port,*	Colonel W. Popham
Robert Wood, Eſq;	*Minehead,*	
Major General Rooke	*Monmouthſhire,*	John Morgan, Eſq;
Marquis of Worceſter	*Monmouth,*	
		Montgo-

For *the Queſtion.*		Against *the Queſtion.*
	Montgomeryſhire,	Wm. Moſtyn Owen, Eſq;
	Montgomery,	Whitſhed Keene, Eſq;
	Morpeth,	Peter Delme, Eſq; / Sir James Erſkine, Bart.
Lieut. Col. John Sutton / Lord Mulgrave	*Newark,*	
Sir Arch. Macdonald / Richard Vernon, Eſq;	*Newcaſtle-under Lyne,*	
Charles Brandling, Eſq;	*Newcaſtle-upon-Tyne,*	Sir M. W. Ridley, Bart.
	Newport, Cornwall,	Sir John Miller, Bart.
Hon. John Townſhend	*Newport, Hants,*	Edward Ruſhworth, Eſq;
Thomas Brooke, Eſq;	*Newton, Lancaſhire,*	Thomas P. Leigh, Eſq;
John Barrington, Eſq; / Mark Gregory, Eſq;	*Newton, Hants,*	
Sir John Wodehouſe, Bart.	*Norfolk,*	Sir Edward Aſtley, Bart.
Henry Peirſe, Eſq; / Edwin Laſcelles, Eſq;	*Northallerton,*	
Sir James Langham, Bart.	*Northamptonſhire,*	Thomas Powys, Eſq;
	Northumberland,	Sir Wm. Middleton, Bart. / Charles Grey, Eſq;
Hon. Henry Hobart	*Norwich,*	Rt. Hon. W. Wyndham
	Nottinghamſhire,	Lord E. C. Cav. Bentinck / C. Medows Pierpoint, Eſq;
Robert Smith, Eſq;	*Nottingham,*	Dan. P. Coke, Eſq;
Humph. Minchin, Eſq;	*Oakhampton,*	Lord Viſc. Malden
	Orford,	Hon. G. Seymour Conway
	Oxfordſhire,	Lord Charles Spencer
	Oxford,	Lord Robert Spencer / Hon. Pereg. Bertie
Sir Wm. Dolben, Bart.	*Oxford Univerſity,*	Francis Page, Eſq;
	Pembroke,	Hugh Owen, Eſq;
	Penrhyn,	Sir John St. Aubyn, Bart.
	Peterborough,	Richard Benyon, Eſq; / Hon. Lionel Damer
	Petersfield,	Lord Viſcount Downe / William Jolliffe, Eſq;
Robert Fanſhaw, Eſq;	*Plymouth,*	John Macbride, Eſq;
John Stephenſon, Eſq; / John Pardoe, jun. Eſq;	*Plympton,*	
John Smyth, Eſq; / William Sotheron, Eſq;	*Pontefract,*	
William M. Pitt, Eſq;	*Poole,*	Mich. A. Taylor, Eſq;
Hon. W. Cornwallis	*Portſmouth,*	Sir H. Featherſtone, Bart.
Sir H. Houghton, Bart.	*Preſton,*	Rt. Hon. Gen. Burgoyne
George Bowyer, Eſq; / John Aldridge, Eſq;	*Queenborough,*	
Thomas Johnes, Eſq;	*Radnorſhire,*	
Francis Anneſly, Eſq; / Richard A. Neville, Eſq;	*Reading,*	

Eaſt

For *the Question.*		Against *the Question.*
Earl of Lincoln	*East Retford,*	Wharton Amcotts, Esq;
	Richmond,	Earl of Inchiquin Sir Grey Cooper, Bart.
	Rippon,	William Lawrence, Esq;
Sir C. Middleton, Bart.	*Rochester,*	
John Henniker, Esq; Rich. J. Sullivan, Esq;	*New Romney,*	
G. B. Brudenell, Esq;	*Rutlandshire,*	Ger. Noel Edwards, Esq;
Right Hon. C. W. Cornewall, *Speaker*	*Rye,*	Wm Dickenson, Esq;
Wm. Bellingham, Esq; Reginald Pole Carew, Esq;	*Ryegate,*	
John Kynaston, Esq;	*Salop,*	
	Saltash,	Major Lemon
Philip Stephens, Esq; Charles Brett, Esq;	*Sandwich,*	
Hon. W. H. Bouverie	*New Sarum,*	William Hussey, Esq;
Right Hon. J. C. Villiers George Hardinge, Esq;	*Old Sarum,*	
Earl of Tyrconnell George Osbaldeston, Esq;	*Scarborough,*	
	Seaford,	Sir Godfrey Webster
Hans W. Mortimer, Esq; John Drummond, Esq;	*Shaftesbury,*	
John Peachey, Esq;	*Shoreham,*	
John Hill, Esq;	*Shrewsbury,*	
Edward Phelips, Esq;	*Somersetshire,*	
John Fleming, Esq; James Amyatt, Esq;	*Southampton,*	
Henry Thornton, Esq; Paul Le Mesurier, Esq;	*Southwark,*	
Earl Gower Sir Edward Littleton, Bt.	*Staffordshire,*	
	Stafford,	Hon. Edward Monckton R. B. Sheridan, Esq;
Sir Geo. Howard, Bart. Henry Cecil, Esq;	*Stamford,*	
Hon. Richard Howard	*Steyning,*	
James Gordon, jun. Esq;	*Stockbridge,*	T. Boothby Parkyns, Esq;
William Smith, Esq; John Langston, Esq;	*Sudbury,*	
Sir John Rous, Bart. Joshua Grigby, Esq;	*Suffolk,*	
Sir Joseph Mawbey, Bart.	*Surry,*	Hon. William Norton
Lord George Lenox	*Sussex,*	Hon. Thomas Pelham.
John Calvert, jun. Esq;	*Tamworth,*	John Courtenay, Esq;
	Tavistock,	Rt. Hon. R. Fitzpatrick Lord John Russell
		Alexander

For *the Queſtion.*		Against *the Queſtion.*
Alexander Popham, Eſq; Sir Benjamin Hammett	*Taunton,*	
Sir Charles Kent, Bart. George Jennings, Eſq;	*Thetford,*	
Sir G. P. Turner, Bart.	*Thirſke,*	Robert Viner, Eſq;
Hon. Dudley Ryder	*Tiverton*	
Hon. Colonel Phipps	*Totneſs,*	
	Tregony,	Robert Kingſmill, Eſq; Hon. Hugh Conway
Hiley Addington, Eſq; Colonel Boſcawen	*Truro,*	
Sir Francis Sykes, Bart.	*Wallingford,*	
Thomas Farrer, Eſq;	*Wareham,*	John Calcraft, Eſq;
Sir Robert Lawley, Bart. Sir Geo. A. W. Shuckburgh, Bart.	*Warwickſhire,*	
	Warwick,	Robert Ladbroke, Eſq;
Clement Tudway, Eſq;	*Wells,*	
	Wendover,	Robert Burton, Eſq; John Ord, Eſq;
	Wenlock,	Sir H. Bridgeman, Bart. George Forreſter, Eſq;
Sir John Scott Hon. Thomas Thynne	*Weobly,*	
Samuel Eſtwick, Eſq; John Madocks, Eſq;	*Weſtbury,*	
Major John Scott James Adams, Eſq;	*Weſt Looe,*	
	Weſtminſter,	Right. Hon. C. J. Fox Lord John Townſhend
	Weſtmoreland,	Sir M. Le Fleming, Bart. John Lowther, Eſq;
	Weymouth and Melcomb Regis,	Right Hon. Welbore Ellis John Purling, Eſq;
William Selwyn, Eſq;	*Whitchurch,*	Lord Viſcount Middleton
	Wigan,	John Cotes, Eſq; Orlando Bridgeman, Eſq;
Lord Herbert	*Wilton,*	
	Winchelſea,	John Neſbitt, Eſq;
Rich. Gammon, jun. Eſq;	*Wincheſter,*	Henry Penton, Eſq;
Earl of Mornington	*Windſor,*	
Sir H. W. Daſhwood, Bt. Francis Burton, Eſq;	*Woodſtock,*	
	Worceſterſhire,	Hon. Edward Foley
Samuel Smith, Eſq;	*Worceſter,*	
	Wootton Baſſett,	Hon. Colonel North Hon. Robert S. Conway
Robert Waller, Eſq.	*Chipping Wycombe,*	

Sir

For *the Queſtion.*		Against *the Queſtion.*
Sir John Jervis, K. B. Henry Beaufoy, Eſq.	*Yarmouth, Norfolk,*	
	Yarmouth, Hants,	Philip Francis, Eſq. Thomas Jer. Clarke, Eſq;
Henry Duncombe, Eſq; Wm. Wilberforce, Eſq;	*Yorkſhire,*	
Rich. Slater Milnes, Eſq;	*York,*	Lord Galway

SCOTLAND.

	Aberdeenſhire,	George Skeene, Eſq;
	Aberdeen, &c.	Sir David Carnagie, Bart.
Lord F. Campbell	*Argyleſhire,*	
Sir James Duff, Bart.	*Bamffſhire,*	
Pat. Home, Eſq;	*Berwickſhire,*	
	Bute and Caithneſs,	Hon. Col. J. Stuart
Burnet Abercrombie, Eſq;	*Clackmannon,*	
	Craill, Pittenween, &c.	John Auſtruther, Eſq;
	Cupar, Dundee, &c.	George Dempſter, Eſq;
Ilay Campbell, Eſq;	*Dumbarton, Glaſgow, &c.*	
	Dumfriesſhire,	Sir Robert Laurie, Bart.
Rt. Hon. Henry Dundas	*Edinburghſhire,*	
Sir Adam Ferguſon, Bart.	*Edinburgh,*	
Earl of Fife	*Elginſhire,*	
Colonel Wemys	*Fifeſhire,*	
Archibald Douglas, Eſq;	*Forfarſhire,*	
John Hamilton, Eſq;	*Haddingtonſhire,*	
Lord William Gordon	*Inverneſsſhire,*	
Sir Hector Munro, K. B.	*Inverneſs,*	
Sir A. Edmondſton, Bart.	*Irvine, Inverary, &c.*	
R. Allardice Barclay, Eſq;	*Kincardineſhire,*	
	Kirkudbright Stewartry,	Alexander Stewart, Eſq;
Sir Charles Preſton, Bart.	*Kinghorne, &c.*	
Sir James S. Denham, Bt.	*Lanerkſhire,*	
	Lauder, &c.	Colonel Fullarton
	Linlithgowſhire,	Sir William A. Cunnyngham, Bart.
Alexander Brodie, Eſq;	*Nairnſhire,*	
	Orkney, &c.	Colonel Dundas
David Murray, Eſq;	*Peebleſhire,*	
Hon. General Murray	*Perthſhire,*	
	Renfrewſhire,	John Shaw Stewart, Eſq;
	Roſsſhire,	F. H. Mackenzie, Eſq;
Sir George Douglas, Bart.	*Roxburghſhire,*	
Mark Pringle, Eſq;	*Selkirkſhire,*	
Major Moore	*Selkirk, &c.*	
	Stirlingſhire,	Sir Thomas Dundas, Bart.
Lieut. General Grant	*Sutherlandſhire,*	
Andrew M'Dowall, Eſq;	*Wigtownſhire,*	

TELLERS.

For *the Queſtion.*	Againſt *the Queſtion.*
Thomas Steele, Eſq; Member for *Chicheſter.*	William Adam, Eſq; Member for *Kinton, Bumff,* &c.

Paired off for the Queſtion.

Rt. Hon. James Grenville	*Buckingham,*
Right Hon. Iſaac Barré	*Calne,*
Charles Roſs, Eſq;	*Kirkwall,* &c.
Sir Richard Hill, Bart.	*Shropſhire,*

Paired off againſt the Queſtion.

Banbury,	Lord North
Dumbartonſhire,	Keith Elphinſtone, Eſq;
Wilton,	Rt. Hon. W. G. Hamilton
Winchelſea,	William Nedham, Eſq.

Majority in Favour of the RIGHTS of the PEOPLE, SIXTY-FOUR.

The following Gentlemen, who were prevented by Illneſs, &c. from attending the Houſe, on *Tueſday* the 16th Inſtant, voted for and againſt Mr. Dempster's Motion for an Address to the Prince of Wales, on *Monday*, the 22d Inſtant.

Againſt *the Motion.*		For *the Motion.*
Sir C. Sykes, Bart.	*Beverley*	Lord Beauchamp, *Orford.*
Henry Cruger, Eſq;	*Briſtol.*	
John Parry, Eſq;	*Carnarvonſhire.*	
Edmund Baſtard, Eſq;	*Dartmouth.*	
Henry Addington, Eſq;	*Devizes.*	
Edward Bearcroft, Eſq;	*Heidon.*	
William Chaytor, Eſq;	*Heydon.*	
Lord Kenſington,	*Haverfordweſt.*	
Thomas Gilbert, Eſq;	*Litchfield.*	
Lord Wenman,	*Oxfordſhire.*	
Richard Barwell, Eſq;	*St. Ives.*	
Charles Ambler, Eſq;	*Saltaſh.*	
Sir J. Honeywood, Bart.	*Steyning.*	
Sir John Duntz, Bart.	*Tiverton.*	
William Lygon, Eſq;	*Worceſterſhire.*	
P. P. Powney, Eſq;	*Windſor.*	
Wm. Middleton, Eſq;	*Ipſwich.*	

The following Gentlemen have been prevented by Illneſs, from attending the Houſe, during the preſent Seſſion.

Sir Henry Peyton, Bart.	*Cambridgeſhire.*
Paul Orchard, Eſq;	*Callington.*
Nathaniel Smith, Eſq;	*Rocheſter.*
Sir John Trevelyan, Bart.	*Somerſetſhire.*
J. F. Luttrell, Eſq;	*Minehead.*

Thurſday,

Thurſday, December 18.

CONSTITUTIONAL RESOLUTIONS.

The *Chancellor of the Exchequer* moved, "That the Order of the Day for receiving the Report of the Committee appointed to take into conſideration the State of the Nation, be read." Mr. Pitt.

Colonel *Fitzpatrick* ſubmitted it to the Right Hon. Gentleman, whether there would be any inconvenience in adjourning the conſideration of the Report till the next day. The Colonel ſaid, his Right Hon. Friend was obliged by illneſs to be abſent, and he ſhould imagine it would be the general wiſh, that no part of the important proceeding, that they were engaged in, ſhould be agitated in the abſence of ſo conſiderable a Member of that Houſe as his Right Hon. Friend, unleſs ſuch delay was likely to create real loſs of time and ſerious inconvenience, neither of which he preſumed would be the caſe if his requeſt could be complied with, becauſe there was every reaſon to believe that his Right Hon. Friend could be preſent in his place next day, and the Report might then be taken into conſideration and voted, if the Houſe thought proper, ſo as to be carried up to the Houſe of Lords on Saturday, in which caſe they might on Monday proceed to debate on the reſult of a conference, which would be as ſoon, he conceived, as they would at any rate be able to arrive at that ſtage of the buſineſs. Colonel Fitzpatrick.

The *Chancellor of the Exchequer* ſaid, it certainly was his wiſh to ſhew every mark of perſonal reſpect to the Right Hon. Gentleman conſiſtent with the urgency of public buſineſs; but where it was not conſiſtent with the conducting of the public buſineſs, however he might regret the circumſtance, and however painful it might be to his feelings, he ſhould think it his duty to refuſe; but as the only difference that adjourning the conſideration of the Report till next day would be, that they ſhould have the Reſolutions, if voted, to carry up to the Houſe of Lords on Saturday inſtead of Friday, the delay would not be material, and if there was a chance that the Right Hon. Gentleman could be preſent on the morrow, it certainly would be deſirable to wait a day; therefore, although he Mr. Pitt.

was ſorry the Houſe had been given the trouble of aſſembling unneceſſarily, he would chearfully acquieſce on that ground.

Mr. Burke. Mr. *Burke* ſpoke a few words complimentary to Mr. Pitt.

The Queſtion was then put, "that the conſideration of this Report be adjourned till to-morrow."

Agreed to *nem. con.*

Friday, December 19.

Mr. Alderman Watſon appearing at the Bar with the Report of the Committee on the State of the Nation, the following queſtion was put from the Chair, "That this Report be now brought up."

Sir John Sinclair. Sir *John Sinclair* roſe and declared, that with regard to the firſt Reſolution, there was no individual in that Houſe, who felt more the lamentable calamity that had befallen the King and the country, than he did. With regard to the Rights of the two Houſes of Parliament to provide the means for ſupplying the defect in the exerciſe of the Royal Authority, he muſt ſtill be of opinion, that it was not neceſſary for that Houſe to make a declaration of its Rights, on the ſlight ground of the expreſſion of a doubt of the Right of the Prince of Wales, ſtated in the Speech of one of its Members. If the Right Hon. Gentleman who firſt expreſſed his doubt of the Right of that Houſe, inſtead of doing ſo, had brought forward a Motion, declaring the Prince of Wales's Right, no man would have more firmly reſiſted ſuch a motion, than he would. In the third Reſolution there was, he ſaid, ſomething dark and myſterious, and whatever ideas he had of the character and abilities of the Right Hon. Gentleman, who had called upon the Houſe to declare their Right by the Reſolution, which appeared to him to be unneceſſary, the myſtery in the third Reſolution demanded explanation. He ſaid, he gave the Right Hon. Gentleman credit for too much manlineſs of mind, to ſuppoſe that he would endeavour to entrap that Houſe, and fetter its future conduct by any equivocal Reſolution; but before he gave his aſſent to the

the bringing up of the Report, he muſt beg to know what his reaſons were for the wording of the third Reſolution, and to have an explanation of what was meant by the Bill to be paſſed by the two Houſes of Parliament. Sir John expreſſed his fears, that the two Houſes were intended to be called upon to exceed their conſtitutional powers, and this was a time, he ſaid, of too critical a nature for any part of ſo very ſerious and important a proceeding to be ſuffered to remain expoſed to any kind of doubt. Every Parliamentary proceeding ſhould be clearly underſtood and maturely conſidered; before therefore he ſaid more, he would wait for the Right Hon. Gentleman's explanation.

The *Chancellor of the Exchequer* ſaid, he was very ready to give the Hon. Baronet every explanation in his power; that he wiſhed not to bring forward any thing in that Houſe, but what was clearly underſtood: the Hon. Baronet, therefore, he ſaid, did him no more than juſtice, when he gave him credit for not having any intention, by any equivocal Reſolution to entrap that Houſe, and fetter its future proceedings; he truſted that he nad never ſhewn a diſpoſition to bring forward meaſures in diſguiſe: in reſpect to the information which the Hon. Baronet wiſhed to receive, it would be recollected, that he had in his general opening of the Reſolutions, pretty much at large explained the whole of their object. With regard to the means of providing for the defect in the exerciſe of the Royal Authority in conſequence of his Majeſty's incapacity, he had ſtated, that as in conſideration of law his Majeſty's political incapacity was entire, their firſt proceeding muſt be by the Royal Authority, which was by a Bill ſanctioned by the concurrence of the King and the two Houſes of Parliament. Now though the neceſſity of the caſe did not oblige them to act without the Royal authority, it did oblige them to provide the means of ſupplying the defect ariſing from his Majeſty's indiſpoſition, by iſſuing a commiſſion under the Great Seal of England, appointing Commiſſioners to open the Parliament in the name of his Majeſty in the uſual form, and ſtate the reaſons for calling them together. He ſaid, he conceived that to be the only mode of proceeding that could be adopted conſiſtent with the principles of the Conſtitution. Mr. Pitt.

Sir John Sinclair.

Sir *John Sinclair* declared himſelf ſurprized, that the Right Hon. Gentleman ſhould call the ſyſtem of meaſures, that he had explained to the Houſe, a ſyſtem conſiſtent with the principles of the Conſtitution, when it was contrary to law. Every Gentleman converſant with the Statute Law knew, that it was by the 13th of Charles the Second declared illegal for the two Houſes of Parliament to legiſlate for themſelves, or make laws without the King, and by the ſame ſtatute the declaration that they had any ſuch power was pronounced High Treaſon in the perſon making it, and he was liable to all the pains and penalties of a premunire. Sir John ſaid, he was happy the Right Honourable Gentleman had explained his meaſures, which appeared to him to be highly objectionable. The proper and ſimple mode of procedure for the two Houſes to adopt, in his opinion, was for them to addreſs the only individual that all men's eyes were fixed on, as the fit perſon to undertake the Adminiſtration of Government, in like manner as our anceſtors had addreſſed the Prince of Orange a century ago. When the Right Hon. Gentleman's ſyſtem came on again in that Houſe, Sir John Sinclair ſaid, he would ſubject his plan to their conſideration.

Mr. Powys.

Mr. *Powys* ſaid, he had felt pretty nearly the ſame anxiety as the Hon. Baronet had expreſſed, though he believed the ſtating on what that anxiety turned was premature in that ſtage of the buſineſs. When the Report ſhould be brought up, he believed he might undertake to prove that the Right Hon. Gentleman's ſyſtem was not founded either in precedent or law.

The Report having been brought up, and the firſt Reſolution read and agreed to, the ſecond was read, when

Sir Grey Cooper.

Sir *Grey Cooper* deſired to be permitted to ſtate, with great ſubmiſſion, a doubt that occurred to him, whether the Houſe, in its preſent limited and imperfect capacity, could, with propriety and conſiſtency, with order and regularity in its proceedings, agree to the Reſolution then reported from the Committee on the State of the Nation. He requeſted them to conſider the very peculiar and unprecedented circumſtances under which they were aſſembled, and then ſitting; they were one of the eſtates of the kingdom *aſſembled at Weſtminſter, but not aſſembled in Parliament*; they were maimed and mutilated in their legiſlative capacity, by the preſent inca-

incapacity of of the Royal Authority. They met, he ſaid, on the 20th of November, on the expiration of a period to which they had been duly prorogued by a commiſſion from the Royal Authority. On that day no commiſſion came to prorogue them to a further time. The Speaker had arranged the proceeding on that occaſion in the beſt poſſible manner, when he had taken the Chair by the deſire of the Members preſent. The Miniſter then opened to the Houſe the deplorable cauſe which prevented his Majeſty's ſervants from taking his pleaſure with reſpect to a further prorogation. The Houſe pauſed and heſitated in what they were to do in ſuch an exigency; but upon the Motion of the Chancellor of the Exchequer, the Houſe aſſumed energy enough to adjourn for fourteen days, and, upon the ſpecial circumſtances of the caſe, and the ſupport of the authority of a Precedent in the time of King William, which bore ſome analogy to their proceeding, he thought they did perfectly right. They met again on the 4th of December, and were informed by the Miniſter, that the ſame cauſe unhappily continued to prevent the exerciſe of the Royal Authority, and they were then informed, that there *was a neceſſity* for their proceeding to ſupply the defect in the functions of the Royal Authority. Since that meaſure had been recommended by the Miniſter, and adopted by the Houſe, they had, in all their proceedings, acted under the mere impulſe of that neceſſity. They derived, Sir Grey underſtood, their power and energy to take any ſtep, or to do any act, from that neceſſity alone, which, in all extreme caſes, had been deemed, and muſt be acted upon as *magnum humana imbecilitatis patrocenium*. Whatever act or proceeding of that Houſe, in its preſent ſituation, goes beyond the clear bounds of that neceſſity, and the regular cauſe that is pointed out by it, was, *in his humble opinion, an act of ſelf-conſtituted power, and as he conceived, of a very dangerous tendency and conſequence*. They had come, therefore, to the queſtion, whether this reſolution was or was not an act of neceſſity, for the purpoſe of ſupplying the defect in the legiſlature. He contended that it was not neceſſary, becauſe there was no real impediment or obſtacle to their progreſs, which muſt be removed and cleared away before they could act in their deliberative capacity. That *was no claim of right, no denial of their authority, no matter of which the Houſe could, conſiſtently with the*

gravity and order of its proceedings, take parliamentary notice or cognizance. The Committee, it muſt be admitted, had no greater power than the Houſe, and therefore he concluded, that this reſolution was not founded in neceſſity, but an act of aſſumed and ſelf-conſtituted authority. At the Revolution, the Convention Parliament did not, in the famous Committee on the State of the Nation, declare what it was their right or duty to do. It appears that Finch, Sir Edward Seymour, and other conſiderable and leading men, delivered opinions directly contrary to the principles of the firſt vote on the 28th of January 1689. The Grand Committee propoſed no reſolution to vindicate or eſtabliſh their right againſt ſuch aſſertions. They exerciſed that right, and did the noble work they were about, and they thought that the doing the deed comprehended in it, and inconteſtably proved both their right and their duty. Having ſubmitted theſe obſervations to the conſideration of the Houſe, he requeſted the indulgence of their attention to ſome remarks upon ſome of the Precedents on which the Right Hon. Gentleman had laid the foundation of his Reſolutions, and particularly on the Precedent of the 32d and 33d of Henry the VIth, which runs from page 42 to page 77 in the Report from the Committee. The Precedent had been much relied on; this he propoſed as a pattern for their proceeding in the great and arduous affair which a moſt deplorable neceſſity impoſed upon them. They had been called by the great Law Authorities in that Houſe to follow the example of their anceſtors, and *not to leave them in the lurch*, by departing from the principles on which they voted. But, before they determined to follow the example of their anceſtors, it ſeemed to him that they ſhould conſider, *what ſort of perſons thoſe ſame anceſtors were.* He would venture to undertake to prove, by the irrefragable evidence of records, and the authentic hiſtory of the times, that during the courſe of all the proceedings which collectively form that Precedent, both Houſes of Parliament were in the moſt abject and humiliated ſtate of dependence, on the power, the will, and the nod of Richard Duke of York, and the potent and formidable faction of the noble families who adhered to him and followed the projects of his ambition; and that every ſtep they took, every declaration they made, and every act they did or paſſed, were taken and done under

under the impreſſion of immediate force, and irreſiſtible influence. He deſired to be permitted to ſtate ſome facts anterior to the year 1454 (in which that Precedent principally aroſe) in order to introduce with more regularity and clearneſs the documents and evidence by which he intended to ſupport his Propoſition. After the aſſaſſination of the virtuous Duke of Glouceſter, the King's uncle Richard, Duke of York, became firſt Prince of the blood, and preſumptive Heir to the Crown. The Impeachment of the great Miniſter and favourite the Duke of Suffolk, and his baniſhment and death, ſoon followed. Edmund Beaufort, Duke of Somerſet, ſucceeded to the favour of the Queen, the powers of Adminiſtration, and the unpopularity of his predeceſſor. The Duke of York truſting to the advantage which that unpopularity and the weakneſs of the Government gave him, raiſed an army in the year 1452, and marched with 10,000 men from Wales to the gates of the City of London, for the purpoſe, as he gave out, of a reformation in the Government, and the removal of the Duke of Somerſet from all his power and authority.—The manner in which he was foiled in this bold enterprize, of his being the dupe of his confidence in the promiſes of the Court, and of his eſcape from the power of his enemies, are facts well known to all thoſe who have ever looked into the hiſtory of this eventful period. He lived in retirement at his Caſtle on the borders of Wales till the latter end of the year 1453. The Prince of Wales was born in October 1453; about this time the King fell into a diſorder in his mind, which rendered him unfit even to maintain the appearance of Royalty. The Queen and Somerſet found themſelves obliged by this exigency to yield, for a time, to the high power and connections of the Duke of York. Somerſet was actually ſent to the Tower on the 13th of February 1454; Richard was appointed, or more properly ſpeaking, appointed himſelf Lieutenant to the King for holding the Parliament, which having firſt been aſſembled at Reading, was, after ſeveral prorogations and adjournments, aſſembled at Weſtminſter, on the 14th of February. About this time the famous Earl of Warwick, the Earls of Saliſbury and Weſtmorland, and many other of the Dukes followers, were admitted into the Council in the place of the former Adminiſtration, and had the whole Government in their hands. By their command

command and influence the Committee of Lords was ſent on the 23d of March to Windſor, to the King, who lay ſick at that place, with certain queſtions ſtated in their commiſſion. On the 25th of March, the Biſhop of Carliſle, one of the deputed Lords, reported to the Houſe, that they found the King in a ſtate of perfect lethargy and inſenſibility. Then followed on the 27th of March, the famous tranſaction of the nomination *and election* of the Duke of York to his firſt Protectorate, *by the Peers ſpiritual and temporal in Parliament aſſembled*, without any participation or even conſent of the Commons. He ſaid, he did not conſider their appointment of the Duke of York to the firſt Protectorate, as in any reſpect proceeding from the free deliberation or choice of the Houſe of Lords, but that it was dictated and compelled by the controuling and overbearing power of the Duke and his adherents. This concluſion was not founded on conjecture, or on the mere authority of any hiſtorian or annaliſt; but on the evidence of a Record in the 5th Volume of the Rolls of Parliament, page 349.

"Be it remembered, that whereas the 30 day of March, the 22d year in this preſent Parliament, Thomas Earl of Devonſhire, upon an indictment of High Treaſon by him ſuppoſed to be done, againſt the Kyng's honourable eſtate and perſon, before Humphrey Duke Buckingham, ſteward of England for that time aſſigned—was arraigned, and of the ſame treaſons, by his Peers the noble Lords of this Royaume of England, being in this ſaid preſent Parliament, was acquitted of all things contained in the ſaid Inditement.—By which Inditement the right high and mighty Prince, Richard Duke of York, Lieutenant for the King, in the ſaid Parliament, conceived the trouth of his allegiance to bee emblemyſhed and diſteigned; in the preſence of all the Lords, as well ſpiritual as temporal, there being preſent, anon forthwith declared himſelf of his truth to the King our Sovereign Lord, in manner and form following:

"My Lordes,—for ſo much as the matter contained in the ſaid inditement, toucheth right nigh, my worſhip, honeſtie, and trouthe: I ſay that what, ſo toucheth me, is fals and untrewe, and that I am, and all the dayes of my lyfe have been, and to the end thereof ſhall be, trewe and humble Liegeman to the King, my moſt dread Soverain Lord; and never prively ne apertly thought, nor meant

meant the contrary—whereof I call into witneſs God, and all the Saints of Heaven, and the ſame have been, and am ready to prove, and as a Knight, to put my body in devoir againſt any perſon, to whome it fitteth me to anſwer, that wol take upon hym to lay any charge upon me of the ſaid mattere, or of any other, that in any wyſe mought ſounde to the blemiſhing of my trouthe to my ſaid Sovereign Lord; deſiryng, exhortyng, and requiring you ſo to take, repute, holde and accepte me, and that my declaration and offer herein, ye woll enact toſore you of recorde in this Parliament.

" Poſt cujus quidem declaratio nem factam & auditam, prefati Domini tam Spirituales quam Temporales una voce dixerunt."

" We knew nevere nor at any time could conceyve but that ye " be, and have been, true and faithful Liegeman, to the Kyng " our Soverain Lord, as it belongeth to your eſtate to bee—and " ſo we know, take, accept, repute, holde, and declare you."

This Record will ſerve to prove to demonſtration, without any comment or obſervation, in what a wretched ſtate of ſubmiſſion and proſtration the whole Houſe of Commons at that time lay at the feet of the Houſe of Peers. For the man whom they with one voice declared to be, and to have been, a faithful and loyal ſubject to the King, had, not two years before they made this diſhonourable declaration, levied open war againſt the King, and marched with an army to the gates of his Capital, and was, at the very moment, known to be conteſting the King's title to the Crown. Sir Grey ſaid, he would next ſhow, by a Record of unqueſtionable authority, that the Houſe of Commons was, at the very ſame time, in an humble, helpleſs, and diſgraceful ſtate of dependence on the ſame power. He cited the Roll of Parliament, touching the Lords, with ſome regret; but the caſe he was now about to lay before the Houſe,

Animus meminiſſe horret luctuque refugit.

" It appears that the Lord Chancellor, on the ſecond day of July, prorogued the Parliament to Reading, to the 7th day of November following: and that on that day it was from thence adjourned to the 11th day of February, and then prorogued to the 14th of February:—

" That

" That the Duke, immediately after the adjournment, ſued Thorpe in the Exchequer, by Bill, and proſecuted him ſo cloſe, though Speaker, and a Baron of the Exchequer, in his own Court, that between the 23d of October and 11th of February, he got both a verdict againſt him by a Jury of Middleſex for 1000l. damages, and 10l. coſts of ſuit, and likewiſe a judgment, and took and detained him priſoner in the Fleet thereon, between this adjournment and the Parliament's meeting ſome few days before their re-aſſembling.

" Indeed the method of proceeding, as well as the expedition that was uſed throughout the whole of this caſe, appear, at firſt ſight, very extraordinary. Firſt, That the Commons ſhould apply to the Lords, as well as to the King, for redreſs in a matter in which their own privileges were eſſentially concerned: Secondly, That notwithſtanding the opinion of the Judges moſt formally declared, " That perſons arreſted for any other cauſe than for Treaſon, " Felony, or Surety of the Peace, or for a Condemnation, had " before the Parliament, ought to be releaſed," the Lords ſhould adjudge that Thorpe, who came within none of theſe deſcriptions, ſhould, according to the law, remain ſtill in priſon: and Thirdly, That the Commons ſhould ſo eaſily acquieſce in this deciſion, and immediately proceed to the election of another Speaker, and the whole of this tranſaction was but the buſineſs of three days, the 14th, 15th, and 16th of February.

" But when we compare the uncommon expedition with which this very important affair was hurried over, the judgment of the Lords, ſo directly contrary to the concluſion which ought to have been drawn from the opinion delivered by the Chief Juſtice; the command of the Biſhop of Ely to elect another Speaker, ſignified immediately ſubſequent on the judgment, and, as far as appears, without any communication with the King, and the obedient ſubmiſſion of the Commons; I ſay, all theſe circumſtances, compared with the very high ſituation in which the plaintiff, Richard Duke of York, then ſtood, being, as appears from the Parliamentary Hiſtory, that very day, the 14th of February, appointed Preſident in the ſaid Parliament, and himſelf preſent, and taking a part in the hearing of his cauſe, may be thought fully to juſtify the opinion of Sir N. Rich, who, when this precedent was cited in a debate on

the

the 8th of March, 1620, ſays, "It is a caſe begotten by the iniquity of the times, when the Duke of York might have an overgrown power in it, and I therefore wiſh it may not be meddled with."

Upon the reading of theſe Records, as the ſtrongeſt and moſt ſearching evidence, and as the diſſection of this moſt inauſpicious precedent, might he not venture to aſk the Houſe, whether ſome feelings of reſentment and indignation did not riſe in their breaſts againſt thoſe who have propoſed this Precedent as a pattern for their conduct, in one of the moſt important and momentous emergencies that ever preſented itſelf to Parliament, and in which all the great energies of Government, all the rights of the higheſt and moſt illuſtrious perſons, and the firſt principles of the Conſtitution are concerned; and at a time too, when, from the ſurprize and ſuddenneſs of the calamity, the Houſes of Parliament were *inopes conſilii*. He agreed with Sir N. Rich, that it was a Precedent begot in the iniquity of the times, and he conſigned it to eternal contempt and oblivion. He ſaid he would cloſe what he had to obſerve on this Precedent with a paſſage from our admirable hiſtorian Rapin:

"The contrary Reſolutions of Parliament, in regard to the quarrel between the Houſes of York and Lancaſter, clearly ſhow that thoſe aſſemblies acted not with freedom, but were ſwayed by the events which happened before their deliberation. Their determinations are properly of no force, ſince they had not the liberty to judge according to their underſtandings, unleſs it be ſaid that their underſtandings directed them always to ſide with the ſtrongeſt." They carried the profligacy of their conduct ſo far, that they made Richard, Duke of York, Prince of Wales, Duke of Cornwall, and Earl of Cheſter, when the Heir Apparent to the Crown (whoſe family had been in poſſeſſion for fifty-ſix years) was ſeventeen years old. In the beginning of the year 1455, the King was ſomewhat recovered from his indiſpoſition, and the Queen moved him to reſume his authority, and to releaſe Somerſet from the Tower. The Duke of York was forced to retire. He raiſed another army. He complained in his manifeſto of the King's Miniſters, and demanded a change of Government. The battle of St. Alban's was fought in May 1455. This was a compendious way of doing buſineſs.

ſineſs. The Duke of Somerſet and many of the Miniſters were killed in battle, and the King taken priſoner. This was the firſt battle of that moſt cruel and ferocious civil war, which, for thirty years, deluged the kingdom with blood, and involved the whole nation in confuſion. The famous Precedent is taken from the very threſhold of it, and this raiſed from the dead to prejudice the clear and irreſiſtible pretenſions of the Prince of Wales to the Regency of the kingdom. Thoſe pretenſions were admitted and allowed by the firſt legal authority in that Houſe, the Attorney General; at the ſame time that he denied that the Prince had any right to aſſume or to exerciſe the office of Regent, he admitted that his pretenſions were ſo ſtrong, ſo clear, and unqueſtionable, from his high ſtation and proximity to the Crown, that thoſe pretenſions could not be denied or rejected, except for ſuch cauſes and ſuch reaſons as would well nigh juſtify a Bill of Excluſion, or, in other words, for ſuch cauſes as would exclude him from the Crown.

Mr. Martin. Mr. *Martin* ſaid, he had not ſtaid out the whole of the debate laſt Wedneſday morning, becauſe he found himſelf ſo much exhauſted after nine hours cloſe attention to the different arguments, that he was obliged to go home, which he the leſs ſcrupled to do, as he was aware that on the Report he ſhould have an opportunity of explaining his ſentiments, as well in compliance with what, if he recollected rightly, had been the requeſt of more than one Gentleman, viz. that on a queſtion of that importance every Member ſhould avow his ſentiments. As he never wiſhed to blink any queſtion that came under agitation in that Houſe, he made no ſcruple to declare that, had he ſtaid the debate out, he ſhould have given his vote for not leaving the Chair, becauſe it appeared to him, that the Reſolution was a very proper one, and what the Houſe, under its preſent circumſtances, did right to vote. In the courſe of the debate in the Committee, the Right Hon. Gentleman over the way had talked of a change of Adminiſtration. What had paſſed that day, a friend of his had obſerved to him, reminded him of a ſcene in Shakeſpeare's play of Henry IV. where Falſtaff reckoned upon what would be done for him and his aſſociates when the Prince ſhould come to the Crown, which was then daily expected, and was aſſigning places of dignity and character to the moſt deſerving of his friends. Mr. Martin ſaid, he hoped, if the

Right

Right Hon. Gentleman came into office, he would not provide for all who had claims upon him, but would recollect that it had been urged againſt the Right Hon. Gentleman near him, by ſome of thoſe who moſt adviſed him, that his companions were not all equally well approved. He ſaid, he was perſuaded Mr. Fox had too noble a mind to be ſwayed by avarice, or any of the meaner paſſions; he thought, however, the Right Hon. Gentleman had too much ambition, which inclined him to temporize for the ſake of getting into power. Nothing but that could, he thought, have induced him to come into that odious meaſure, the coalition; and in like manner, on the preſent occaſion, he aſcribed the whole line of conduct which Mr. Fox had purſued, ſolely to temporiſing with a view to get into power. Had not the fact been ſo, Mr. Martin ſaid, he was perſuaded the Right Hon. Gentleman would not have held doctrines ſo incompatible with the uſual language held by him on conſtitutional points. Mr. Martin ſaid, as he always voted according to his conſcience, it had happened that he had occaſionally voted with both the Right Hon. Gentlemen, and he could not help ſaying, that the Right Hon. Gentleman near him had proved himſelf a good and virtuous Miniſter. In the very delicate ſituation in which he had lately ſtood, his conduct had been moſt conſiſtent, ſteady, and noble; in ſhort, ſuch as, in his opinion, entitled him to the praiſe and confidence of the public. He declared, he believed the Right Hon. Gentleman near him was *on his retreat*, and therefore he was glad to take that opportunity of ſpeaking as handſomely of him as he could. In the concluſion of his ſpeech, Mr. Martin recurred to the ſubject of the Reſolutions, and in a ſummary way repeated his approbation of them.

Mr. M'Donald.

The *Attorney General* roſe to maintain the legal opinions ſtated by him in Tueſday's debate, when he had laid it down as a poſition, that he would then abide by, that the common law knew no ſuch perſon as a Regent. The common law only recognized three deſcriptions of Governors of Kingdoms, viz. Kings, *Cuſtodes Regni*, and King's Lieutenants. He explained the diſtinctions between each clearly, and ſaid, the *Cuſtos Regni* was a *Pro rex*, endowed with limited powers, which had been occaſionally enlarged, and the power of beſtowing benefices, and other ſpecific exerciſes of authority given, and the Lord Lieutenant of Ireland was a living

inſtance

inſtance of the nature of the office of a King's Lieutenant. With regard to the King's preſerving his political capacity entire, notwithſtanding his illneſs, he ſaid, he ſhould err with Lord Coke, with Chief Juſtice Hale, Mr. Juſtice Forſter, and every other great legal authority, if he did not maintain that doctrine. In anſwer to Sir Grey Cooper, he deſired to put in his plea, and to tell the Hon. Baronet, that if he would give himſelf the trouble once more to look into a book the Honourable Baronet had often conſulted, Mr. Juſtice Forſter's treatiſe on the principles of the Revolution, he would find he was miſtaken in one part of his argument. Mr. Attorney canvaſſed Sir Grey's account of the tranſactions in the reign of Henry VI. and ſaid, at that time it was the law of the land that there was no privilege, nor was it till the reign of Elizabeth, when a ſtatute was paſſed expreſsly for that purpoſe. The proceedings, therefore, that the Hon. Baronet had ſo ſtrongly reprobated with regard to the appeal to the Judges, in the caſe of the detention of the Speaker of the Houſe of Commons, who had found that privilege would lay in the Speaker's caſe, and the reference of the Judges opinion to the Houſe of Lords, were not ſo extraordinary; but let them be ever ſo worthy of cenſure, let Richard Duke of York be ever ſo great a tyrant, it ſerved the better to ſupport his reaſoning, and the more to ſtrengthen and confirm the precedents ſelected from that period, becauſe it proves, that in the worſt of times the tranſaction the Precedent ſtated had been conſtitutionally regular. To argue againſt all Precedents, ſelected from troubleſome times, was, he ſaid, a ſort of reaſoning that he lamented, and to pronounce that no Precedent taken from ſuch times was to be relied on, was to go the length of declaring Magna Charta to be no Act of Parliament.

Mr. Wyndham.

Mr. *Wyndham* began on what had fallen from Mr. Martin reſpecting the Gentleman on his ſide of the Houſe. He declared, that if that Hon. Gentleman had not conſidered what he had ſaid, as of high conſequence in his own opinion, he ſurely would not have come forward with aſſertions altogether unfounded, and for which he had aſſigned no reaſon. He knew not whether there was any myſtery to be divined from what the Hon. Gentleman had ſaid, ſince ſuperſtition aſſigned to animals of no great eſtimation the power of revealing ſecrets. Macbeth told us, that the greateſt perils

perils had been diſcovered by the ſcreaming of magpies and choughs. As an individual member of the body of men, whom the Hon. Gentleman had laſhed and cenſured, Mr. Wyndham declared he trembled to ſtand in the Hon. Gentleman's preſence. Thus much, however, he would venture to pronounce, that in point of rank, of family, of fortune, of ſplendid talents, of known character and tried abilities, there were not in the kingdom their ſuperiors. The Hon. Gentleman therefore muſt ſuppoſe ſome peculiar conſequence to be annexed to his opinion, or the Houſe never would have heard the body of men, he had been deſcribing, humbled as they had been by the Hon. Gentleman; but as he would not on that, or any other occaſion, follow the Hon. Gentleman's example, he would quit all mention of his Right Hon. Friend, who had been ſo peculiarly diſtinguiſhed as to have been made the ſpecial ſubject of a Debate, and not only of a Debate, but of a Reſolution of that Houſe. Having thus alluded to the adjournment of the Houſe the preceding day on account of Mr. Fox's illneſs, Mr. Wyndham proceeded to deliver his opinion on the topics ſtated and maintained on the different ſides of that Houſe. He ſaid, he concurred with the doctrine of his Right Hon. Friend in its fulleſt extent, that he had intended to have delivered his opinion upon it to the Committee, but had been ſo much exhauſted, that he was obliged to forego his intention; that he was then glad he had done ſo, for he had been able ſince more maturely to conſider the ſubject, and he was, by reflection, confirmed in his opinion. The true jet of the argument was, he ſaid, to be drawn not from written law, not from precedent, but it depended upon the plain broad ground of analogy, analogy too clear to be miſtaken, and too forcible to be reſiſted. Not to conſider the right of the Prince of Wales to the Regency as an hereditary right, was to go the length of maintaining that the two Houſes of Parliament had a power of diſpoſing of the Conſtitution. He reaſoned upon this, and ſaid, that he rather judged of the goodneſs of a Precedent by its conſequence, and what the effects of that conſequence might be, than by the Precedent itſelf. According to the doctrine laid down, Mr. Wyndham ſaid, a foreigner might juſtly obſerve, that whenever there was occaſion for a Regent, the two Houſes of Parliament ſtepped in, and gave away the country. He took notice of the various arguments that

had been advanced, as to what the law was with reſpect to the caſe in point, and declared, that, in his opinion, one of the ſureſt ways of determining what was the law, was by determining what ought to be the law. He adverted to the motives of the Miniſter, and ſaid, they well knew what he was working at the bottom, but men were not looking at the conſideration they ought to look to, but were making it a perſonal queſtion. They had been told properly enough, that they ſhould not conſider the virtues of the Great Perſonage, who had the ſtrongeſt preferable claim to the Regency, as any argument, and yet if the virtues of his Majeſty (which all muſt readily admit) were held out as reaſons for limiting the powers of the Regent, they ought to take in the virtues of the other Perſonage as the ſecurity for his Majeſty's returning to the Government; but it was thought that the cuſtody of the King's Prerogatives were more ſecure in the hands of the Parliament, than in thoſe of the Heir Apparent. After reaſoning upon this and a variety of other points, Mr. Wyndham took notice that in one of the laſt Regencies, the latter of thoſe in Henry VI. the Duke of York was made Regent, becauſe he was Preſumptive Heir to the Crown; and thence he argued that the Prince of Wales, being Heir Apparent, had a better plea, and the public had a better ſecurity for his taking due care of the intereſts of the kingdom, as no other perſon was ſo much intereſted in its proſperity. He reprobated the project propoſed in the third Reſolution, and ſaid his mind revolted at the idea of ſuch a *coarſe fiction*, for ſo it was, let what would be ſaid of it. He declared for one, he did not place great reliance on the reaſoning of lawyers upon ſuch ſubjects; Gentlemen of that profeſſion were not always the beſt writers on conſtitutional queſtions; their profeſſional knowledge perverted their opinions on ſuch topics, becauſe, when they were under diſcuſſion, from their legal knowledge they were always flying to legal analogies. Mr. Wyndham ſaid, he did not like thoſe maxims which could not be comprehended, nor did he admire Precedents drawn from times of ſuch tumults and confuſion, as thoſe that diſtinguiſhed the period from the appointment of the Duke of York to the Regency, in the latter part of the reign of Henry VI. The fatal conſequences that followed was a ſufficient condemnation of the Precedent in his mind. He added a variety of other reaſoning

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in ſupport of Mr. Fox's opinion, which, with ſuch analogy on the one ſide, and ſuch ſtrong and clear reaſoning on the other, appeared to him to be unqueſtionably the better argument of the two that had been advanced upon the ſubject.

Mr. *Martin* ſaid, the Hon. Gentleman had accuſed him of not having ſpoken to the Queſtion; he appealed to the Houſe, whether he had not ſpoken to it in a general way, both at the beginning and end of his ſpeech. The reaſon why he had alluded to a change of Adminiſtration, he ſaid, was the having heard the Right Hon. Gentleman over the way introduce the ſubject in his ſpeech in the Committee, and he had always underſtood that a Debate on a Report of a Committee, was conſidered as a continuation of a former Debate. Mr. Martin ſaid, he was willing to impute the perſonal rude treatment of him rather to the heat of the moment, than to any intentional departure from that good breeding, which made ſo eſſential a part of the Hon. Gentleman's character. Mr. Martin.

Mr. *Chriſtian* ſaid, after the vote he had given, he took the earlieſt opportunity of coming forward, and boldly meeting the Queſtion. He profeſſed he was ſorry the Queſtion was brought forward at all, but as it had been brought forward, he thought it was the duty of that Houſe to aſſert its rights, and decide them for the benefit of poſterity. He was not, however, prepared to go the length of the Third Reſolution, and begged not to be conſidered as precluded by his vote of Wedneſday from diſſenting with the Right Hon. Gentleman at the head of the Exchequer on that Queſtion. Mr. Chriſtian ſaid, that after the glorious effects of the Revolution, he thought we ought to act in the ſame way, to declare the Prince of Wales Regent, as our anceſtors had declared the Prince of Orange King, and to addreſs his Royal Highneſs to accept the Regency. He ſaid, he did not think it right to place any reſtrictions whatever on the Prince, while acting as Regent. Mr. Chriſtian.

Mr. *Hardinge* ſaid, that a more intereſting point of Conſtitutional Right had never made its appeal to either Houſe of Parliament, ſince the virtue of our Anceſtors, and the Genius of the Government, accurately underſtood, a century ago, had prompted the Lords and Commons of the Realm, to paſs a law *without a King*;—and a law, which, as *he* had always read it, had put upon living record this principle; "That whenever the ſupreme exe- Mr. Hardinge.

"cutive hand ſhall have loſt its power to act, *the people of the* "*land, fully and freely repreſented,* can alone repair the defect."

That in moments like theſe, on the one hand, it would ill become the moſt unqueſtioned abilities and weight in the Houſe, to riſk improvident aſſertions, and haſty opinions, but that, on the other hand, there was no capacity ſo mean, if it ever took part in a debate, that could be juſtified in withholding from the public an opinion deeply conſidered, and freely, though temperately, aſſerted.

The Right of appointing a Regent had been challenged, and was at iſſue. It could not be ſuppreſſed, unleſs the Repreſentatives of the People would abandon their truſt. In other words, either the Right of the Heir to be the Regent was to be admitted or diſproved. In every other view, he, for one, ſhould have been determined *againſt* the Reſolutions which had been moved; becauſe *his* judgment had always been, that ſuch declarations of Conſtitutional Right ſhould be cautiouſly forborne—the Conſtitution ſhould *act*; and it ſhould not *ſpeak*; or it ſhould ſpeak only in the ſafe Record of its *meaſures* as the occaſion called them forth, and limited the extent while it animated the energy of thoſe great principles to which alone we can truſt in the hour of conflict and peril.

That as the *particular neceſſity* of diſcuſſing the Right had alone compelled him to act againſt theſe *general* feelings of his mind, he would uſe the liberty of impreſſing upon the Houſe all the circumſtances which had produced and accompanied what *he* called in ſubſtance a direct plea to their juriſdiction, though not in the form of an authentic and regular claim.—No ſooner had the King's perſonal incapacity for his regal office been authenticated by a Report from the Committee, but the Right Hon. Gentleman [Mr. Fox] roſe in his place, and having ſtated the inveſtigation of precedents to be a waſte of time, in a very ſolemn and earneſt manner aſſerted the Right of the Heir Apparent as built upon his Father's incapacity; aſſerted it, as a Right which he had no doubt of eſtabliſhing, and which could neither be diſproved nor withheld.—Beſides the talents, the political rank and character of the Right Hon. Gentleman, he had himſelf added importance to his other claims, by telling us that he was in habits of confidential inter-

intercourſe with his Royal Highneſs, on whoſe behalf he had aſſerted this right. Nor was it the ſolitary opinion of an individual; for when ſtated by him it was received with loud acclamation by his friends, of whom it would be injurious to ſay, that any but *ingenuous* motives of *real* aſſent could have prompted them *apparently* to approve, and in ſo public a manner, what their favourite ſtateſman had aſſerted.—The opinion was *new*;—it went forth into the public, and created an anxiety for the event.—If in the terms it had been miſconceived (as the Right Hon. Gentleman complained) in the argument and obvious tendency it had been correctly underſtood—but well, or ill reported, it reached a noble relation of his (Lord *Camden*) who had long known and revered the land-marks of the Conſtitution, who had approved his good faith to them, and who would have ſunk his character in the public eſtimation if he had not caught with avidity the firſt moment which the favour of any public audience could open to him, of entering his proteſt againſt what he thought fatal to thoſe principles, in which he had been educated, and which it had been the peculiar pride of his life to ſuſtain.—Fortunate for the country at leaſt had been this *indiſcretion* (if it *could* be ſo called in ſuch a character and for ſuch motives) becauſe it had induced the Right Hon. Gentleman to favour them with another ſtatement of his Oracle, fundamentally the ſame as it had been underſtood, but in the guards put over it even more defenceleſs than when it relied upon its own ſtrength. So guarded it became again the object of general diſcuſſion, and could not but have reached the Heir Apparent; who had, as report informed them, diſclaimed all intention of *claim, but had never diſclaimed the Right.* His Right Hon. Friend (Mr. Pitt) had early announced a formidable queſtion to the delicacy of the Houſe, viz. Whether it might not be expedient and conſtitutional to impoſe limitations upon the Regal Power in the Regent's hand? a point upon which *he* was not then ripe to conclude; but would aſſume, for argument ſake, that he was of either opinion. If he were an advocate for the limitations, he could not be ſo baſe as to riſk the uſurpation of right for the ſake of policy at the expence of ſuch a perſonage, and ſuch an intereſt: if, on the other hand, he ſhould be averſe to the limitations, he could not refuſe to his own argument the advantage-

ground of proving that he *could* not impoſe them without an abſolute violation of inherent right. In all theſe views it became *neceſſary* for the Houſe to diſcuſs the Right, and cloſe the doubt. He had been told of civil tumult and a warfare between the two Houſes, but he ſaw no ſymptoms of the kind, and if they exiſted, nothing would be more likely to allay them than a cool diſcuſſion of the ſubject; but whatever might be the riſk of thoſe extremities which had been threatened, he would not forget that if ſuch topics had prevailed, or could even have been heard in 1688, we ſhould not at this hour have known a Houſe of Commons poſſeſſed of all its natural energy and vigour.

He would now ſtate with diſtinct accuracy the Right aſſerted for the Heir Apparent. It was this, "That ſitting both Houſes of "Parliament, from the inſtant of the King's perſonal incapacity "for his office declared by the two Houſes, a right attached upon "the Heir Apparent of perfect age, and labouring under no diſ-"abilities, to exerciſe *all* the regal power, juſt as if it were a na-"tural demiſe during the continuance of the incapacity, but a "Right which could not act without an adjudication by the two "Houſes."

He would combat firſt (and for a minute or two) the fences and outworks of this new and alarming doctrine. Firſt he would aſk what the Right Hon. Gentleman could mean by ſo qualifying ſuch a Conſtitutional Right as to make all evidence of the fact which gives riſe to it wait for a *declaration* by the two Houſes of Parliament, after authentic proofs had been eſtabliſhed? He would then aſk, why after the declaration ſo obtained, the Right was further to wait for the ceremony of a Judgment upon it? Would the Heir Apparent wait for it if his Father were no more? Would the Conſtitution bear the idea that he ſhould wait for it? The Right Hon. Gentleman had ſaid it was like private rights; which, though clear of doubt, waited for the deciſion of a Court.—What Rights were theſe?—If a certain event attaches a Right upon me, whether of mere intereſt or of intereſt coupled with truſt, or both, do I wait for a Court? No, it is the act, or (as Lawyers expreſs it) the *devolution of law*, which gives me at once the Right with every incidental advantage of it. The Right Hon. Gentleman had ſaid, "it was like the Election of a Member of Parliament:" a very unac-

unaccountable ſimile!—There, a Candidate eligible, an Election free, and a Majority of good Votes,—by the Law of Parliament, gave the ſeat; a Return is only the judgment of the Officer that ſuch facts have exiſted—a judgment, which is deſeaſible by an appeal within a definite period—but in the mean time the Candidate who is returned has complete uſe of the Right.—How does this apply to a caſe, which, as it has been argued, acts upon a Right clear of doubt, and precludes the very ſuſpicion of a conteſt? As far as there is the leaſt analogy between the two caſes, that analogy is againſt the argument; for till the Right is defeated it has every power to act upon that mere preſumption of it which throws upon the adverſary all burden of proof.

As to the ſubſtance of the doctrine, a few words, plain and clear as the ſenſe they contained, would give a death's blow to it. Firſt it was an ancient and wiſe maxim of our law, that regal power had no incapacity in a politic view, and therefore any Right aſſuming and claiming to act upon ſuch a defect, could not be *legal*—it muſt, if any, be a *Conſtitutional* Right. If it were a Conſtitutional Right it would appear upon the Journals of Parliament, or in the Hiſtory of Great Britain.—Looking there for it in vain, and finding no trace or dream of it, he could ſay (and it would be enough) it is no Conſtitutional Right in the Heir Apparent, and the Right not being in him (or, *a fortiori*, in any one elſe, upon the footing of independent claim) can only be delegated by appointment; and if an appointment is neceſſary, where *can* it originate, but in the fountain of regal power itſelf, (in this Government) where, but in "*all the Eſtates of the People of the Land!*" memorable words uſed at the Revolution, and well adopted by his Right Honourable Friend (Mr. Pitt.)

But no ſuch argument of reſorting to the people for want of any other appeal was neceſſary here; as the Conſtitution *had* (in characters which "he that runs may read,") made proviſion for the afflicting event of the King's preſent incapacity—in a way at once conſiſtent with popular and regal weight in the balance. We ſhould be miſerable pedants indeed, and "*more of ſchoolmen than* "*of ſtateſmen*," (the Right Hon. Gentleman's own phraſe) if it were poſſible for us to adopt a diſtinction between the ſeveral *kinds* and the ſeveral *cauſes* of "*total incapacity.*" Every caſe which

had that one leading feature was a caſe in point for every other, diſtinguiſhed by the ſame common mark—the child upon its mother's knee—the *ſecond* infancy of dotage and the diſability of an ideot, who is a *perpetual* child—every diſabling viſitation of illneſs, whether from lethargy or a paralytic ſtroke, from weakneſs of nerves or ſpirits;—every derangement of the intellect, whether it be the delirium which a fever has produced, or with no aſſignable "*data*" for it—every caſe of diſabling abſence, captivity, or dureſs—and the famous precedent of regal forfeiture in 1688—were all of them direct in their analogy to the duties of the Houſe at this moment. In the debate at the Revolution, all the incapacities ariſing from accident (*and this of delirium by name*) were put in argument; and it was in that argument aſſumed, that no Regent exiſted of Right, but the nation had the ſole power of appointing him: The fallacy of the Tories lay in this; to make the forfeiture paſs for a mere ſuſpenſion, like that which infirmity would produce, during the life of James the Second, ſo as to let in his Heirs upon his death.

As to *infancy* a ſingular fact occurred which marks the jealouſy of our anceſtors againſt encroachment upon the regal office in any but a regal hand. Henry the Sixth gives his name to the averment of his own incapacity, and aſſents to wiſe laws, which preſume that he has no power of aſſenting to them, or of underſtanding them. In other words, the *name* is regal but fettered, and without any *will* or diſcretion. In all theſe caſes too, that name is uſed for the original formation of the Regent, but the energy of the act is referable to this, and the other Houſe of Parliament. Without a detail of precedents (which are moſt numerous in the caſe of infant Kings) he would mark to the Houſe two or three material facts which apply to every one of them. *Firſt*, there is no inſtance of a ſole Regent or Protector (though next Heir) without fetters of ſome kind upon his power. In the *ſecond* place, not a ſingle Regent or Protector is to be found ſelf-appointed, or accepted upon the footing of claim. *Thirdly*, There is but one who dreamt of this *claim as Heir*; the Duke of Glouceſter in the time of Henry VI.; and what became of it?—In as able a Record as the Annals of Parliament can boaſt, he is told that *his claim is againſt precedent, uſage and law.* He would now touch upon the two Regency Bills, and was ready

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at once to put the iſſue of the Heir Apparent's Right upon thoſe two Records. In the 24th of Geo. the Second, the King ſent a meſſage to the Houſe of Commons, in which he told them, "nothing would ſo much conduce *to the preſervation of the Proteſtant Succeſſion in his Family, and of the Religion, Laws and Liberties of the Kingdom*, as the making proper proviſions for the care and tuition of the perſon of the Succeſſor to the Crown, and *for the regular adminiſtration of the Government* in caſe that Succeſſor ſhould be of tender years, by means whereof the ſafety and princely education of the minor King might be ſecured, *the public peace and good order maintained, and the ſtrength and glory of the Crown of Great Britain ſuffer no diminution.*

"For which reaſons, out of tenderneſs for his family, and for all his faithful ſubjects, he earneſtly recommended this weighty affair to their ſerious deliberation, and propoſed that when the imperial Crown of the Realm ſhould devolve upon any of the iſſue of his Son, the late Prince of Wales, under the age of eighteen years, *the Princeſs Dowager of Wales might be Guardian of the perſon of that Succeſſor, and Regent of theſe Kingdoms, till he ſhould attain ſuch age, with ſuch powers and* LIMITATIONS *as would appear expedient for the ſaid important purpoſes.*"

Upon this propoſition a Bill paſſed, and he would read a part of its Recital, which is in ſubſtance an anſwer to the King in a legiſlative ſhape.

"We *have* taken this weighty affair into our ſerious conſideration, and being thoroughly convinced of the wiſdom and expediency of what your Majeſty has recommended upon this important occaſion, are firmly and zealouſly determined to contribute every thing in our power to the preſervation of the Proteſtant Succeſſion as ſettled by law in your Royal Family, &c. &c."

Having thus recited, they enact,

"That (in the event of this Minority, and as long as it ſhall continue, the Dowager Princeſs of Wales ſhall have full power and authority, in the name of the Succeſſor, under the title of Regent of the Kingdom, to exerciſe and adminiſter the regal power, and execute all prerogatives, *but in ſuch manner, and*

"*ſubject*

" *ſubject to ſuch conditions, reſtrictions, limitations and regulations,* " *as therein after ſpecified.*"

The Act proceeds to appoint " a Council of Regency, who are " to be fourteen, and ſeveral portions of the regal power are with- " held from the Regent, if ſhe cannot obtain the conſent of the " Council thus appointed.

" At the head of this Council is placed the Duke of Cumber- " land; but with no power beyond that of any other Counſellor, " and the King is to nominate four in addition to the ten who " are named by an inſtrument which is never to be opened in his " life time."

He would aſk, what became of the next Heir who had then attained his full age? If the Right Hon. Gentleman is right, he was inſulted as well as degraded by an upper ſeat at the Council, who were to *aſſiſt* the Regent—that Regent the Uſurper of his claim. It might be ſaid, the *Legiſlature* was equal to ſuch a degree of controul over that, or any Right—but this was no anſwer to another queſtion.—Did the *Legiſlature* dream of controuling any Right whatever? and will the idea be endured of a ſilent purpoſe, in a Legiſlature like ours, to controul ſuch Rights as theſe?—or will it be ſaid, that in thoſe days the Parliament were either baſely inſidious, or groſsly ignorant? was there no debate? The Right Hon. Gentleman over againſt him (Mr. Ellis) was preſent, and perhaps had an ample ſhare in that conflict. A favourite objection was, that a ſole Regent was better than a Regent fettered by a Council—and would not the Heir then have ſaid (if the Right Hon. Gentleman was correct) " I am that ſole Regent by the " Conſtitution, and the nich can only be filled by me."—Who was that Heir? The Duke of Cumberland, in the moſt brilliant period of his deſerved popularity, and in cloſe habits of political union with Mr. Pelham the Miniſter; as honeſt a Miniſter, and as honeſt a man as ever breathed,—a *Whig* Miniſter too, and ſupported by the *Whigs*. The Hon. Gentlemen over againſt him (who are now the *only* Whigs that are left us) would agree with him in approving *their* councils and meaſures in 1751, when this Bill of Regency paſſed—Was it an age ill furniſhed with parliamentary abilities and conſtitutional knowledge?—Are the names of Lord Hardwicke in the

the Houſe of Lords, and of Mr. Murray here, of no account?—The next Regency Bill, paſſed under different auſpices, and even more vehemently oppoſed (with an outcry againſt a *Pocket Regent*,) marks the ſame *dullneſs* in thoſe who debated it; for one party aſſumed, and the other admitted, that no Heir preſumptive had, in that moment, any right whatever; and the Duke of York, then of age, was only *one* of the Regents whom the King was to name if he choſe it.

As to the *Illneſs* of Hen. VI. what the Honourable and learned Baronet (Sir Grey Cooper) had obſerved of the Duke of York in thoſe days, recommended this precedent inſtead of depreciating its value, upon his own argument; for if it were true that the Duke of York had ſo much aſcendant, it is the more ſtriking that even *he* could not beat the adverſary out of *thoſe* intrenchments, or that he found a reverence for the *forms* of the Conſtitution ſo rooted in the people at large that he aſſumed an equal reverence for them in the *mode* of his own tyrrany over them.

In the *captivity* of Ric. I. and the *abſence* of Ed. I. the Regal *name* was uſed without any Regal *will*, and the appointment of a temporary ſubſtitute was elective in the two Houſes, or in thoſe who had a ſimilar power.

But he would haſten to the Revolution; for though he ſaw no trace of it in the Report of the Committee, he had formed an opinion reſpecting it, which as it was new to the argument of this debate, though obvious to his own mind, he would ſtate, in hopes of ſeeing it either adopted, or confuted if it was wrong.—It ſtruck *him* that nothing was more appoſite in ſome of its *principles*, if clearly explained, than what the Convention of thoſe days thought eſſential to their duty and right. The *incapacity* there was *total* as it is here, but the *cauſe* of it having ſubverted the *political* as well as the *natural* capacity, a *King* was elected inſtead of a *Regent*, and the Heir Apparent ſet aſide. In that caſe the *form* as well as the *energy* of the Act was in the two remaining Branches of Government, becauſe they could neither find a King who united the politic and the natural capacity, nor could give life to the exerciſe of the Regal office diveſted of the Regal influence, by uſing the name of a King whom they no longer owned for any purpoſe whatever,—but their *principle* was correctly

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the ſame as ours at this moment. It enabled them, and gave them an excluſive power, to *repair the defect of the Regal character* in ſuch a *mode* and by ſuch a *degree* of exertion on their part, as the immediate preſſure of that exigency required. The noble Lord in the blue ribband (who never had in his life diſplayed more ingenuity or eloquence than upon the former debate) had ſurprized him when he talked of the Revolution; a period in our Hiſtory for which, in general, he was perſuaded the noble Lord had an enthuſiaſm equal to his own; but it ſo happened that in every one of thoſe facts which the noble Lord had marked as prominent features of that event, he was completely inaccurate. He had ſaid, "that our Anceſtors, the Lords and Commons of thoſe days, "debated *no abſtract propoſitions*, but ſtated *a fact*, proceeded "immediately to *appoint William Prince of Orange their King*, "and *paſſed no law, before he was able to refuſe it*, by his negative, "if he had been ſo adviſed, or diſpoſed."—The authentic hiſtory was the direct reverſe in every one of theſe particulars. 1. The two Houſes debated ſome of the moſt refined and (he would make no ſcruple to add) childiſh differences; nor could a more abſtract propoſition be imagined than what paſſed after much controverſy into that complex vote which gave us our liberties; yet ſuch was the condition of parties in that awful moment, that Lord Somers and the other patriots of the day, found it wiſe to diſcuſs, like ſchoolmen, theſe fleeting ſhades of difference in theory and ſpeculation, for the ſake of a moſt enlightened object, never out of their ſight, but which could not elſe have been attained without civil tumult. 2. Inſtead of electing at once King William, they did not elect him at all, as their *ſole* King, but united him in his Regal Office to the daughter of the ejected Prince, dividing the Government into the active adminiſtration of the Huſband and the Regal name of the Wife, eſſential to every act of executive power. 3. "*Paſſing no Law*," as the noble Lord had aſſured us, they had *only* taken up the *whim* of a little *playful* Reſolution, a mere ſpirt of legiſlation, concerning the inheritance of the monarchy as connected with both Sovereigns; which he would read. Mr. Hardinge then read theſe words from a paper in his hand.

" The Lords Spiritual and Temporal and Commons, *aſſembled at*
" *Weſtminſter* do reſolve,

" That, William and Mary, Prince and Princeſs of Orange,
" *be, and be declared King and Queen* of England, &c. &c. *to hold* the
" *Crown* and *Royal Dignity* of the ſaid Kingdoms and Dominions,
" to them, the ſaid Prince and Princeſs *during their Lives* and the
" life of the ſurvivor, and that the *ſole* and *full exerciſe* of the
" Regal Power be only in, and executed by the ſaid Prince of
" Orange, in the names of the ſaid Prince and Princeſs, during
" their joint lives; and after their deceaſe to the Heirs of the
" body of the ſaid Princeſs, and for default of ſuch iſſue to the
" Princeſs Anne of Denmark and the Heirs of her body, and
" for default of ſuch iſſue to the Heirs of the body of the ſaid
" Prince of Orange."

Reading, as he often had read, the argument of that famous debate, he could not ſtir in it without marking theſe two propoſitions: " that when the Regal power could no longer act in the " execution of its truſt, the national voice in its repreſentative " character could alone ſpeak for the genius and ſpirit of the " conſtitution, could alone animate the machine and make it re- " ſume its interrupted courſe by ſuch proviſions and limitations, " of a more or leſs complicated nature as the exigency might ſeem " to require,—and that (in the next place) no conception of a " Regent is known but as the object of this national appointment " in the exerciſe of an abſolute and pure diſcretion." It was argued then by the Tories juſt as it has been argued now by the *Whigs* over againſt him, that by electing King William the Patriots had made a new Conſtitution, and ſubſtituted an elective Monarchy in place of an hereditary one.—It was anſwered by Mr. Serjeant Maynard, that no ſuch effect would ariſe from this extraordinary but indiſpenſible appointment of a new courſe, in which the hereditary line ſhould in future proceed. Upon the ſame *principle*, though in defence of a meaſure *ſpecifically* different, I anſwer now (ſaid Mr. H.) to thoſe who argue that by electing a Regent we are to ſet aſide the Heir Apparent's hereditary right; we do no ſuch thing, but we ſupply a defect in the *actual* exerciſe of an hereditary Right, and I will uſe the words of Serjeant Maymard,

mard, which are directly applicable to this view of the Debate in 1788, as well as at the Revolution.—"Where there is a defect in "him who is to exercise the Regal Office, the nation is to repair "it. The Commons apprehend there is now such a defect, and "they do not convert this crown into elective by repairing the "defect in their choice of another instrument for the execution "of the same trust. Our Constitution and its principles are still "the same."

He would close his argument with two or three words upon the *mode* of enabling the Regal power to be assumed, which one of these Resolutions pointed out. It was called, "an assumption of "the executive power," though it feared even the semblance and exterior of any such encroachment, by making provision that a measure essential to the public safety in the appointment of a temporary substitute should have the *form* of the Regal assent, while the King's *political* capacity was perfect; an assent, he owned, without a dissenting power, and a *name* of the Regal hand or voice, but without the *will*.—This had been called "a bungling and coarse fiction," but he would not, for one, be ashamed of adopting it in preference to the form of a legislative appointment used by the two Houses alone; though in *substance* he agreed it was the same thing, as to the *right* of making an effectual provision for the defect; which right he considered as residing in those alone with whom the Regal Power itself originated.

For these reasons the measure proposed, as to the *right* of repairing the defect, as to the necessity of declaring it, and as to the *mode* of asserting it with effect, had obtained his deliberate and cordial assent.

Mr. Anstruther.

Mr. *Anstruther* and Mr. *Burke* rose together, but the former obtained the hearing. He began a reply to Mr. Hardinge, with contradicting his assertion, that James the Second was a King to the end of his life. He attacked the third Resolution as contradictory of the principal resolution. He took notice of Mr. Pitt's declaration, that every man in his Majesty's dominions had as good a right to the Regency as the Prince of Wales, a doctrine which he reprobated and condemned. Every situation in society he said, had certain duties attendant on it, but the Country had an interest in the person of the Prince of Wales, which they had not

not in any other perſon, whence the Prince was in an eſpecial manner protected by the laws, and had many peculiar rights and privileges, and whence reſulted his Royal Highneſs's Right to the Regency of this Country. He obſerved that the Monarchy of Great-Britain was hereditary only on account of its public utility, and contended that public utility was equally dependant on the Regency being hereditary; if we made it a matter of appointment, we made it a perfect matter of canvas, and might have one Regent appointed by the Houſe of Lords, and another by the Houſe of Commons. After mentioning the Prince's ſtrict right in one part of the kingdom, viz. Scotland, Mr. Anſtruther admitted, it was not quite fair to purſue the analogy of the Prince's rights to private eſtates however it might apply. He next corrected what he termed a compleat miſtake in Mr. Hardinge, and at length returned again to the third Reſolution, the meaning of which, he ſaid, was, that the Houſes of Lords and Commons were to forge the Great Seal of England and iſſue out a commiſſion to paſs a Bill legiſlated by the two Houſes; he aſked, would a Bill ſo iſſued have his Majeſty's conſent? Moſt undoubtedly it would not; their own Reſolutions on the Table would give the lie to it. And if they could paſs one Bill, they might paſs more. They might continue forging the Great Seal for a day, a week, a month, a year, and if they pleaſed for ever. Mr. Anſtruther aſked if this could be ſo eaſily done, and was to paſs for law, why had not our anceſtors, at the period of the Revolution, dragged the Thames for the Great Seal, and done the ſame as was meant to be done now. They might, by the help of the ſame ſort of forgery, have kept the Kingly Power in their own hands, and had nothing to do with William and Mary. If it could be done in one inſtance, it might be done in any; they might lop off one branch of the Prerogative, and then another, and ſo by degrees, till there was no Prerogative left. Mr. Anſtruther reprobated the Precedent in Henry VI.'s time, and in terms of great aſperity cenſured the mode of paſſing the Bill propoſed in the third Reſolution. He called it a clumſy, abſurd, wicked project, and ſaid the Commiſſioners would be ſuch perfect puppets, that they would have no voice of their own of aſſent or diſſent. He recapitulated the caſes of Edward III. Richard II. and Henry VI. and ſaid

what had been called a Council of Regency in the latter's reign, had been no ſuch thing, but a Council which the Barons meant to have put about the King himſelf. The Council conſiſted of five of his brothers, and the reſt were his near relations. A learned friend of his, in juſtification of Precedents taken from troubleſome times, had ſaid, if they condemned thoſe Precedents merely on that account, they might as well ſay, Magna Charta was no Act of Parliament. He ſhould be ſorry to ſay that Magna Charta was no Act, but he had ever conſidered Magna Charta as an object of admiration, and reverence, on account of its intrinſic merit. After ſome caſual remarks on offices executed by minors, he concluded his ſpeech with declaring that he never would conſent that the Houſe ſhould vote the third reſolution.

Mr. Beaufoy.

Mr. *Beaufoy* roſe and ſaid, In this late period of the dabate, and ſtill later of the argument, I ſhall trouble the Houſe but with few remarks; nor ſhould Ihave troubled them at all, if an Hon. Gentleman (Mr. Wyndham) had not deduced, from maxims, unmentioned before, concluſions, which I conſider as erroneous, and to which no reply has hitherto been made: But though I riſe to anſwer his ſpeech, I ſhall make no comment on the preamble with which he introduced it; for when I conſider the ſolemnity of the occaſion which ſummons us here, when I conſider how ſtrongly the ſolicitude which is expreſſed in the countenances of our fellow-citizens, the earneſtneſs of enquiry that is heard in every ſtreet, and the numbers who crowd the paſſages to the place in which we are aſſembled, mark the anxiety of the public mind, I feel myſelf incapable of deſcending to the peeviſhneſs of perſonal invective, or the littleneſs of party reſentment.

The Houſe has frequently heard the declaration that the Prince of Wales has the ſame hereditary Right to the full exerciſe of the Powers of the Regal Truſt that he would have had in the caſe of an actual demiſe of the Sovereign, and you are no ſtrangers to a ſimilar declaration which a perſon of judicial rank is underſtood to have made elſewhere; but the Honourable Gentleman is the firſt who not only endeavours to diſſuade you from rejecting theſe injurious aſſertions, but whoſe arguments againſt that rejection are founded ſpecifically on the maxim, that the probable conſequences of any proceeding are the beſt criterion of its merits. Does he then

then really conceive, that if you do not expreſsly and ſolemnly contradict the doctrine which has thus been held, no inconvenience will follow to your dignity? none to the order of the conſtitution? none to the well being of future times? Or can he think that any thing leſs than ſuch a contradiction will be ſufficient to vindicate your eſſential Rights from that denial of their exiſtence, which not the leader of a party alone, but one of the moſt eminent of the Judges, profeſſing to ſpeak the language of the law, has deliberately and ſolemnly pronounced? Power is upheld by opinion; I cannot, therefore, acquieſce in the inſidious flatteries which aſſure you, that no aſſertions, either of Stateſmen or Judges, can be injurious to your privileges; that declarations of Right are inconſiſtent with Dignity; that they imply a previous doubt; and that they weaken while they profeſs to ſupport. I dread the diſguiſed hoſtility of this ſeeming zeal for your honour! For who are the perſons who hold this language? Are they not the very men who have declared that you have no power but that of acknowledging, in the Prince of Wales, an independent pre-exiſting Right; that the ceremony of inveſtment is all you have a pretence to claim; and that the authority of a Court Baron, which, on proof of the Heirſhip, muſt admit to the inheritance, is the whole that you poſſeſs? God forbid that ſuch advocates for the honour of the Houſe of Commons ſhould ever be taken for her guides! For who does not ſee that if their councils were followed, ſome of the moſt diſtinguiſhed members of the Houſe may ſoon be involved in the conſequences of legal guilt! Has any man aſſerted that the two Houſes of Parliament ſhould impoſe limitations and reſtrictions as the conditions of the Regent's power? That man, we are told, is guilty of direct and deliberate treaſon, for all ſuch limitations and reſtrictions are acts of legiſlation; and he who adviſedly declares that the two Houſes of Parliament, independent of the King, have a Right to legiſlate, is by a ſpecific Statute pronounced to be a traitor. Could we then be ſurprized if at ſome future period an Attorney General ſhould be directed, extravagantly, indeed, according to the idea which I entertain of conſtitutional law, but rationally and neceſſarily, if the Honourable Gentleman's opinion be true, to proſecute, on a charge of Treaſon, thoſe Members of the Houſe who have dared adviſedly to aſſert that the two

Houſes of Parliament have a right to preſcribe limitations to the power of the Regent? From a ſituation ſo humiliating to the Houſe, and ſo diſtreſſing to its Members, who is there that would not wiſh to be relieved? and who does not ſee that nothing leſs than a formal and explicit diſavowal of the Right Honourable Gentleman's doctrine, can poſſibly reſtore to the Members that confidence which is eſſential to the Freedom of Debate, and to the Houſe itſelf that dignity which is requiſite to the full effect of its reſolves?

But it is not to the intereſt of the preſent time alone that the operation of this doctrine is confined: I agree with the Honourable Gentleman, that temporary intereſts are loſt in the magnitude of the general conſideration, and that even the circumſtances of the preſent criſis, awful as they are, are but of ſecondary moment: for the principle he attempts to eſtabliſh involves in it the miſery of diſtant generations. How certainly this will be the caſe will be obvious, if we recollect that the principle as ſtrongly applies to the claims of an Heir Preſumptive as to thoſe of an Heir Apparent; and that in the courſe of human affairs inſtances may again occur, for they have often occurred, of a Preſumptive Heir who is little connected with the Sovereign on the Throne, either by the ties of immediate conſanguinity, or by the firmer tie of perſonal attachment. The Princeſs Anne was far from being cloſely united to the Sovereign on the Throne, and ſhe herſelf, when ſhe came to the poſſeſſion of the Crown, was ſtill more diſtantly allied, either in Blood or Affection, to her immediate Heir. Now under ſuch circumſtances let us conceive the perſonal exerciſe of the Royal Authority, by the Sovereign himſelf, ſuſpended by temporary illneſs, and then let us examine what, in ſuch a ſituation, would be the probable conſequence of the maxim we have heard. Should the Repreſentatives of the People be anxious to provide that with the Sovereign's returning health his ſceptre alſo ſhould return; vain and extravagant would be their wiſh. You have not, ſays the Right Hon. Gentleman, the means; you have not the power to make the proviſion you ſuggeſt: all your authority is limited to one point, you may recognize the power of the Heir Apparent, but that power you cannot reſtrain; you may conceive, but you cannot confine; you may embelliſh with expreſſions of zeal, with aſſurances of ſatisfaction, but if diffident of the future

you

you can take no cautionary meaſures; if diſſatisfied you can neither withhold the truſt, nor guard it from abuſe. Your ſituation is utterly weak, incompetent, and helpleſs; your active functions, like thoſe of your Sovereign, are entirely and completely ſuſpended.—In ſuch a ſituation who could anſwer for the peace of the Kingdom; who would be reſponſible that the ancient competition between the actual King and the rightful King would not be renewed, and the convulſions of former times, the horrors of which after a lapſe of ages ſtill riſe on the imagination, would not again be experienced? I know that I am ſpeaking of circumſtances foreign to the preſent times, but I alſo know that they are circumſtances ſo neceſſarily connected with, and ſo naturally following from the Hon. Gentleman's arguments, that the eſtabliſhment of the one will inevitably lead to the exiſtence of the other. Whoever, on the ſuppoſition that his doctrine is admitted, ſurveys the void of futurity, will ſee ſuch forms of danger riſing as are ſufficient to appal the firmeſt mind. God forbid, that in return for the bleſſings we have received from our Anceſtors, we ſhould tranſmit to Poſterity a maxim of civil diſcord, a principle of national diſunion.

Independently of the conſiderations I have urged in ſupport of the expedience of an expreſs declaration on the part of the Houſe of the Right which has been ſo ſtrongly denied, there are in the uniform practice of our Anceſtors the ſtrongeſt poſſible proofs that the ſyſtem of the Honourable Gentleman is alien to the Conſtitution of England.

They alone who poſſeſs the power of conferring a truſt, can have a right to declare on what conditions that truſt ſhall be held; whence it neceſſarily follows, that the invariable practice of the two Houſes of Parliament in preſcribing, in every inſtance, limitations to the Regency, furniſhes an indiſputable proof of their conviction, that the power to confer the Regency was in themſelves alone, and that there did not exiſt in the Heir to the crown the ſhadow of hereditary Right to the poſſeſſion of the Regent's office. Shall I be told, upon this occaſion, that in almoſt all thoſe inſtances there exiſted the neceſſity of guarding the intereſts of a minor King? My anſwer is, that in the preſent inſtance there exiſts an intereſt, which, if I know the feelings of my countrymen, cannot be leſs dear to them from its being the intereſt

of a Sovereign, of whoſe regard to the Conſtitution, and affectionate attachment to themſelves, they have had the ſtrongeſt poſſible proofs; it is an intereſt that will not be the leſs valued from its being that of a Sovereign, whoſe too great ſolicitude for the well-being of his ſubjects has brought upon him the terrible viſitation with which he is afflicted; nor can I think that their allegiance will be deemed the leſs ſacred, from its having been confirmed by the ſolemnity of an oath.—Our Anceſtors valued too highly the Rights of the People, and too well underſtood the genuine principles of freedom, ever to admit the concluſions for which the Right Hon. Gentleman contends. They knew that all ſuch natural rights as the People have not relinquiſhed, muſt ſtill belong to the People. They decreed theſe Rights to be a part, as yet untransferred, of the general fund, and, conſequently, to be a part to which none but the people can have any poſſible claim.—The Right of ſucceeding to the Crown on the death of the Sovereign, the People have veſted in his immediate Heir: but the Right of appointing a King, whenever the Throne, in conſequence of the miſconduct of the Perſon who filled it, ſhall be vacant; together with the Right of appointing a Regent, whenever the Sovereign who wears the Crown ſhall be incapable of perſonally exerciſing the powers of the Truſt, they have hitherto reſerved to themſelves; for our Anceſtors well knew, that in ſuch exigencies no proviſions can be adequate but thoſe which the wiſdom of the time ſhall ſuggeſt, and, therefore, to the wiſdom of the time, as reſiding in the Lords and Commons, the Repreſentatives of the Nation, they have left them. But though on this occaſion they have bequeathed us no ſpecific law, as the rule of our conduct, yet by the uniform courſe of the examples they have left us, they have ſhown to what points that conduct ought to be directed; they have given us a proof that in exigencies like the preſent, the two Houſes of Parliament are to be conſidered as acting in a double Truſt; as Truſtees for the Sovereign, as well as for the People; and, therefore, as doubly bound to be cautious that in the exerciſe of the authority which ariſes from the occaſion, the power they exert ſhall not be greater than that which the circumſtances of the time, and the nature of the exigence demand. It is in direct defiance of this equally juſt and prudential rule that the

the Hon. Gentleman argues; for the tendency of all his reaſoning is to ſhew, that the Houſes of Parliament are bound, on this great occaſion, to create, not a Regent, but a King; and that under the name of Regent, and during the life of the legal Sovereign, they ought to recognize in the Heir Apparent an hereditary Right to the actual poſſeſſion of the Regal Office.—It ſurprizes me not a little to obſerve with what earneſtneſs, in a moſt enlightened period, the Hon. Gentleman contends for the maxims of the darkeſt ages, and to remark with what zeal he labours to rebuild, in a new form indeed, but with the ancient materials, that exploded ſyſtem of Power which appropriates to the Prince, by hereditary ownerſhip, the inherent Rights of the People. Upon his Principles the glorious Revolution muſt be conſidered as a profligate act of deliberate robbery and conſummate injuſtice; for upon his principles the Right to the Crown was not in King William the Third, but in the Princeſs of Orange, in whom alone the claim of hereditary Right was underſtood to reſide. Parliament, therefore, according to him, uſurped a Power to which they had no pretence, and gave that to King William which they had no right to beſtow. God forbid that we ſhould thus renounce our ſhare in the fame of our Anceſtors, and ſtigmatize, diſgracefully to ourſelves, the moſt illuſtrious event which the hiſtory of the world records.

Thus, Sir, it appears that, on every conſideration of the dignity of the Houſe, of the juſtice which is due to its Members, who ought on this occaſion to be informed of the nature and extent of its Authority, as well as on every conſideration of the peace and tranquillity of *future Times*, and of the great Principles on which is founded that Conſtitution which is *our* boaſt, and if faithfully tranſmitted will be *their* Security; we are called upon to agree with the Committee in declaring the Right which the Reſolution before us ſtrongly and emphatically aſſerts.

Mr. *Dempſter* begged leave to propoſe an amendment to the Second Reſolution, which would reſcue them from the greateſt ſoleciſm he ever ſaw. Mr. Dempſter ſaid, the Revolution was no precedent in point for the preſent proceeding. Our King was not likely to be expelled the throne, becauſe he was a King loved by his ſubjects; but he was a man, and conſequently ſubject to all the Mr. Dempſter.

calamities and infirmities of human nature. We had at this time a Prince of Wales, the Heir Apparent to the Throne, of full age; why then ſhould we have a King made up like nothing that ever was conceived before, an un-whig, un-tory like, odd, awkward, anomalous monſter! He declared he ſtood up as an independent man, connected with neither party; the amendment he had to propoſe was an amendment of his own, without conſultation, and without connivance; he did not even know whether his amendment would be ſeconded, but, ſuch as it was, he would move it, that he might at leaſt endeavour to preſerve the Conſtitution from what appeared to him to be dangerous. His firſt amendment was, to leave out the word "Right," becauſe their beſt way of declaring their Right was not to expreſs it by a word, but by the exerciſe of it; and with that view he ſhould further move to leave out the words "in ſuch manner as the exigency of the caſe may appear to require," and inſert, "by preſenting an Addreſs to the Prince of Wales, Heir Apparent, and of full age, humbly beſeeching him to take upon himſelf the adminiſtration of the civil and military government of the country, during the incapacity of his Majeſty, and no longer." Mr. Dempſter took notice of the reports that were abroad, that the meaſures now going on in that Houſe were with a view to prevent a change in the Miniſtry; he ſaid, he thought no ſuch paltry conſiderations ought to ſway their minds in the progreſs of ſo important a proceeding. He had ſat in that Houſe near twenty years, and ſeen a new Miniſtry almoſt every year. He concluded with moving to leave out the word "Right."

Mr. *Courtenay* ſeconded the Amendment.

The SPEAKER read the Amendment, and put the Queſtion upon it.

Mr. Powys. Mr. *Powys* ſaid, he conceived the preſent Queſtion would turn merely on the word "Right." If any law exiſted, it ought to be that the Prince of Wales ſhould take upon himſelf the Regency, but there being no law, it would be more unconſtitutional than the other mode of proceeding.

The Queſtion was put and carried, that the word "Right" ſtand part of the Reſolution. The Queſtion was then put that the words "in ſuch manner as the exigency of the caſe may appear to require," ſtand part of the Reſolution.

Mr.

Mr. *Powys* roſe again, and ſaid, had the Queſtion been ſuggeſted three days ſooner, he ſhould have been one of the firſt to have riſen to ſecond it. Mr. Powys ſaid, he ſhould always conſider the Hon. and learned Gentleman over the way, whether in or out of office, as one of the firſt legal authorities in that Houſe; and as he was ready to confeſs, when he was convinced by argument, which he ſometimes was by what he heard in that Houſe, ſo he now acknowledged that by the Hon. Gentleman's diſtinction between the caſe of the Revolution and the preſent caſe, and the difference that he had laid down between the natural and political capacity of the King being both at an end, whereas in this caſe his Majeſty's political capacity was entire, although he was not in a ſtate of natural capacity to execute his kingly office, he was convinced his opinion, that the Revolution afforded a caſe in point, was erroneous; and that thoſe Precedents which he had not thought much in point, he now conceived were very much in point. That of Henry VI. was not ſtrictly ſo, becauſe when the Duke of York was Regent he repreſented a King; and there was a Parliament at that time, a commiſſion being legally iſſued, giving a general power to hold it. Mr. Powys ſaid, he thought the Reſolution liable to objection. He wiſhed the Firſt Perſon in the kingdom might be called upon to take the Government. In protecting the Rights of the Crown, he protected the Intereſts of the People. For what were the Rights of the Crown? Only the powers veſted in the Crown for the preſervation of the Intereſts of the People. As the Reſolution ſtood, they were putting themſelves in diſguiſe to maim and mutilate the Conſtitution. They were putting into the hands of the Crown the royal aſſent without the regal will. Mr. Powys.

The *Chancellor of the Exchequer* ſaid, he would trouble the Houſe with a very few words, becauſe he thought that diſcuſſion would come on more regularly at another ſtage. He read the Amendment, and ſaid, that the words "As Heir-Apparent," ſeemed to juſtify the Prince's claim to Right, and ſo by an equivocal turn to contradict the Reſolution. Now, as he conceived every part of the Houſe would agree with him, that ſuch a claim, if aſſerted, ſhould not be aſſerted obliquely, and by a ſide wind; he thought it would be better that the Reſolution ſtood as it did before. With regard to the queſtion, whether the Prince of Wales, as Regent, Mr. Pitt.

ſhould have the whole Royal Power, or only a part, till that point was aſcertained, it had better not be diſcuſſed; at any rate the Houſe ought not to be taken by ſurprize, and have ſuch an Amendment put upon it on a ſudden.

Mr. Fox. Mr. *Fox* ſaid, no man leſs than he would approve of lending the Queſtion a new turn, without the Houſe having a proper time to conſider of it. He apprehended, from the words of the Third Reſolution, that one of the points was determined; not that he meant by any means to ſay that he approved; he had contended againſt it; but having contended in vain, he ſhould make his ſtand at another poſt. He was prepared to contend, that the Third Reſolution, by putting the two Houſes into the capacity to paſs a Bill, did, what he had great doubts that the Houſe could not do antecedent to the declaring a Regent. Mr. Fox ſaid a few words to ſtate that the Amendment then moved, and the Reſolution itſelf, were equally taking the Houſe by ſurprize, and that poſſibly the natural way of proceeding would be to adjourn the Debate till the next day, or Monday.

Mr. Dempſter. Mr. *Dempſter* ſaid, he expected the Debate to finiſh, but he was willing to wave the words "Heir Apparent."

Mr. Burke. Mr. *Burke* ſaid, they did not in the ſmalleſt degree tend to overturn the Reſolution; a perſon of full age was the fitteſt to be guardian of a perſon in a ſtate of incapacity; the name of the Prince of Wales, when they conſidered who he was, was ſuch, that he was certainly properly deſcribed in the Amendment.

Mr. Fox. Mr. *Fox* thought the Houſe had decided that already, at leaſt he was convinced it had been carried againſt him, and to that deciſion he bowed. He aſked whether the Hon. Gentleman might not wave the Reſolution; he ſhould not wiſh, any more than the Right Hon. Gentleman, to have that done by a ſide wind, which had been expreſsly decided before.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, he muſt ſtill conſider the third Reſolution as connected with the ſecond, and as giving the true deſcription of the only way of proceeding conſtitutionally to take the neceſſary meaſures in this important criſis.

Mr. Burke. Mr. *Burke* called upon the Country Gentlemen to be more careful how they voted in future. They might now ſee the conſequences of blindly voting with a Miniſter for they ſcarcely knew what.

what. He wiſhed to awaken their vigilance, that their honour and integrity might be preſerved from danger, and that they might not be entrapped. One perſon, he ſaid, had a ſcheme againſt their ſimplicity, which he had practiſed ſtep by ſtep, till he had them ſo faſt entangled that they could not get back. The Right Hon. Gentleman had perſuaded them to vote a firſt Reſolution, and then a ſecond, and now he told them they muſt vote a third.

Mr. Pitt.

The *Chancellor of the Exchequer* expreſſed his aſtoniſhment at the ſort of attack that had been made upon him; he deſired Gentlemen to recollect whether, in his whole conduct throughout the proceeding, he had ever done any thing that looked like a deſign to entangle or entrap them. The third Reſolution was, in his opinion, the only conſtitutional mode of carrying the ſecond into effect. If any perſon could ſhew another mode equally conſtitutional, and better calculated for ſupplying the deficiency, he was ready to adopt it. He hoped he ſhould not again be told that he was endeavouring to entrap Gentlemen.

Mr. Marſham.

Mr. *Marſham* declared, all that he had to ſay then was, that he hoped the Country Gentlemen would not be led away by the ſophiſtry or ingenuity of the great men on either ſide of the Houſe. He begged to ſay, that after what he had heard in that Houſe, and without doors, he thought it neceſſary for Parliament to declare, that it was their right and their duty to provide the means for ſupplying the defect in the exerciſe of the Royal Authority. Mr. Marſham did the Chancellor of the Exchequer the juſtice to declare, that throughout the whole of the buſineſs he had not only conducted himſelf unexceptionably, but in a manner highly to his credit. He did not, he ſaid, mean to inſinuate, that the Prince had no right. He had but plain common ſenſe, but he could not help thinking there was a more plain method of coming to the ſame point; he meant the method purſued at the Revolution; the one, the plain way by Addreſs, the other by Petition. Why not go up with an Addreſs, and reſort to the old word, a word that anſwered every purpoſe at once, *pray* his Royal Highneſs to accept the Regency? There being a cry of *move! move!* Mr. Marſham ſpoke of Reſtrictions that had been talked of, and ſaid, he thought that there ought to be none at all. The Prince's delicate ſituation ought to be conſidered. He felt it as much as them all, and with additional

additional poignancy, it was evident from the declaration that he had made in another place. For his part, he thought it the intereſt of the Prince of Wales, in common with them all, to do every thing to make the kingdom flouriſh.

Mr. Chriſtian. Mr. *Chriſtian* declared, he ſcarcely knew which way he ought to vote. He did not wiſh to ſhrink from his duty; but the poſſibility of voting away the Rights of the Crown, under pretence of defending the Rights of the People, ſtaggered him.

Mr. Ruſhworth. Mr. *Ruſhworth* ſaid, they had done wrong from the beginning, by letting any perſon come down to that Houſe but the Prince of Wales. Mr. Ruſhworth ſpoke for ſome time, reprobating the declaration, that the Prince of Wales had no more right than any other individual ſubject. He put the caſe, that had the ſame calamity befallen his late Majeſty in 1745, in the year of the Rebellion, would a Miniſter have dared to have made the ſame declaration? He muſt have found ſhelter ſomewhere elſe than there.

Mr. Harriſon. Mr. *Harriſon* ſaid, the only objection they could have to placing his Royal Highneſs in that ſituation, muſt ariſe from an idea that he would not part with it when his Majeſty ſhould recover. He aſked, on what was ſo unjuſt a ſuppoſition grounded? Let the Houſe conſider his Royal Highneſs's filial attention and tender regard to his mother and ſiſters during the dreadful period of the Family's ſevere affliction. Let them view all his private virtues, and then ſay, if he ought not to be declared Sole Regent, with all the Royal Prerogatives, which was the only proper means of reſtoring the third branch of the Legiſlature.

Mr. Edwards. Mr. *Edwards* ſaid, after the ſenſe of the Houſe had been ſo fully underſtood, he did not riſe with the hope of altering any Gentleman's opinion, much leſs to take up the time of the Houſe, but merely to declare his marked diſapprobation of the ſecond and third Reſolutions, which he thought unſupported by the Conſtitution, the true ſpirit of which did not acknowledge an Elective Right in the two Houſes, except in the caſe of abſolute neceſſity; or allow any analogy to be juſt which ſuggeſted the propriety of almoſt impracticable meaſures, in preference to others eaſily attainable.

The beneficent diſpoſition of his Royal Highneſs the Prince of Wales, graciouſly intimated in another place, and his very temperate

temperate and proper conduct on this trying occasion, made the adoption of the Amendment proposed peculiarly desireable.

The obloquy thrown on Opposition he thought very unbecoming; that both sides of the House stood on equal ground in general, but that on the present Question Opposition were far superior, as protecting the Constitution; that he had not forgot how totally the explanation of their India Bill, in their own speeches, when Administration carried that Bill, and their explanation of it afterwards by their Declaratory Bill, were at variance; what pre-eminent claim then to confidence or character could they set up after such premeditated duplicity?

He reprobated the precipitation with which the third Resolution seemed likely to be forced upon the House if the Amendment should be rejected; and he owed thanks to those Gentlemen who had called upon the House to resist it.

Sir *Matthew White Ridley* and several other Members spoke.

Mr. *Dempster* withdrew his Amendment from the second Resolution, which was carried as it stood originally. He then moved to leave out all the third Resolution from the word "determine," and insert his Amendment.

After some farther conversation between Mr. *Marsham*, Mr. *Fox*, and the *Chancellor of the Exchequer*, on a proposition of the two former to adjourn the Debate, it being then ten o'clock, and the third Resolution likely to bring on a long discussion, the point was at last given up by Mr. *Pitt*, who said, he was not only anxious for all reasonable dispatch on account of the great importance of the object, but also to relieve the suspense of the public, and set their minds at ease upon the subject.

Monday, December 22.

Mr. Pitt. The *Chancellor of the Exchequer* moved, that the Order of the Day for resuming the consideration of the third Resolution contained in the Report from the Committee on the State of the Nation, might be read. It was read as originally moved, and then the amendment that had been moved by Mr. Dempster, to leave out

out all the words after the word "determine," and inſert in lieu thereof words to the following effect, "on preſenting an Addreſs to his Royal Highneſs the Prince of Wales, humbly to beſeech his Royal Highneſs to take upon himſelf the adminiſtration of the civil and military Government of Affairs, during the Incapacity of his Majeſty to exerciſe the Sovereign Authority, and no longer."

The ſame having been read, the Speaker informed the Houſe that the Queſtion for him to put was, "that theſe words (thoſe of the Reſolution as originally moved) ſtand part of the Queſtion."

Mr. Burke. Mr. *Burke* roſe, and in a ſpeech of more than two hours continuance, entered very much at large into the whole of the Queſtion. He began with ſtating, that, in no one inſtance in which he had ever given his ſentiments to the Houſe, had he delivered his opinion either with a view to power, with a view to flatter that Houſe, or from motives of conciliating the favour of the people; but had declared the ſuggeſtions of an unbiaſſed mind, impreſſed with what he conceived to be the beſt means of providing at once for the ſafety and honour of the Sovereign, and the welfare of the nation. On the preſent occaſion, whatever might be thought of his looking forward to a place in a new adminiſtration, he would give the independent ſentiments of a plain citizen on the Queſtion now pending. He knew not of any place he was to have. He had not exchanged a ſyllable with his Royal Highneſs on the ſubject; and was as little acquainted with the inſide of Carleton Houſe as with the inſide of Buckingham Houſe. The two Houſes of Parliament were, he ſaid, in a ſtate of inactivity, ariſing from the vacancy in the exerciſe of the third branch of the Legiſlature; and that whatever meaſures they had recourſe to, were juſtifiable only in proportion as they were founded in the neceſſity of the caſe, beyond which point they could not go. The neceſſity of a caſe, he ſaid, always operated to its own deſtruction; for, when thoſe ſteps which were deemed ſtrictly neceſſary, were purſued, the neceſſity ceaſed: the queſtion was, whether there exiſted a neceſſity for iſſuing a commiſſion in the King's name, under the Great Seal, to to paſs a Bill for the eſtabliſhment of the Regency? This point he would diſcuſs with all the lights that he had derived from his imperfect ſtudy of the Conſtitution. When the two Houſes were deprived

deprived of the aid and co-operation of the third branch, they were not a Parliament, but incompetent to the exerciſe of any one act of legiſlation. So ſituated, they were, he thought, by no means juſtified in uſing the King's name to a commiſſion for giving the Royal Aſſent to a propoſed Bill. In filling the vacancy now exiſting, the rules of hereditary Right ought to be reverted to; that hereditary Right which had been found an effectual bulwark againſt the encroachments of ambition, and the intrigues of faction. The perſon who ſtood next in ſucceſſion, provided he were of full age, was as much entitled to the Regency during the Sovereign's incapacity, as he was to the Crown in caſe of a demiſe. But this doctrine had been peremptorily denied by the Right Hon. Gentleman oppoſite him, who had aſſerted that an equal Right to the Regency exiſted in every individual of the nation; and who, in affirming the ſentiment, had aimed a ſtroke at the Conſtitution of the country. If the Royal Aſſent was wanted, who had ſo great a right to give it, during the King's inability, but the Heir Apparent? Inſtead, therefore, of nominating a phantom of Sovereignty, a man with *black brows, and a large wig*, as Commiſſioner to give the Royal Aſſent, the two Houſes ought to addreſs the Prince of Wales to take the regal power upon him, and give the Aſſent that was required. To give Aſſent, in his Majeſty's name, by a Commiſſion, as if he were ſtill capable of governing, would be a mean fraud, a low forgery, inconſiſtent with the true maxims of the Conſtitution. He defied any Gentleman of the Law to produce a ſingle Precedent that would warrant ſuch an undue aſſumption of power. It ought to be man, a living man, that ſhould ſtand in the place of the Monarch; not an idol erected by a ſtate carpenter; not a ſcrew-preſs, a piece of parchment and ſome wax. He adverted to the Revolution; in which nothing more had been done than was really neceſſary. The policy of that grand meaſure was to eſtabliſh the liberties of the people on a firm baſis, as well as to ſecure the hereditary ſucceſſion the to Crown. The ſame policy would juſtify them in fixing the Prince of Wales in the ſole Adminiſtration of the kingdom. It was altogether unprecedented, he ſaid, that a mere word dropped by a Right Hon. Gentleman had been made the foundation for a Reſolution of ſuch great importance as the ſecond Reſolution in the Report, from which the Reſolution

ſolution now under debate flowed as a kind of corollary, according to the Right Hon. Gentleman who had moved them, though he was not inclined to adopt that opinion. It was reſerved, he ſaid, for the preſent period, to make a mere individual's words of ſuch conſequence as to be the ground work of a formal Reſolution of both Houſes of Parliament. He reprobated the project of ſubſtituting a third eſtate in the manner propoſed, and declared, that if any ſuch puppet, any ſuch ideot ſhould be ſet up, he begged to have it known, that he diſclaimed all allegiance to it. It ſhould be a God—a God of the Conſtitution that he would worſhip, and not a phantom, not an idol. Should the two Houſes of Parliament erect ſuch a phantom, ſhould they exerciſe the power of appointing a *thing*, a creature of their own, without free-will, incapable of exerciſing diſcretion, and giving a diſſent as well as of giving aſſent to their meaſures, they would, he ſaid, be reſolving themſelves into a kind of Republic, and acting moſt unconſtitutionally. After condemning all abſurd mechanics and all abſurd metaphyſics, he expatiated on the impropriety of uſing the fiction of the King's name to the commiſſion above referred to: he took notice of the propoſal for limiting the authority of the future Regent, and putting him under reſtrictions; a propoſal, one reaſon aſſigned for which was, to prevent the effects of the ill advice to which his Royal Highneſs would be expoſed from the party to whom he ſeemed at preſent attached. This idea of limitation would, in his opinion, be unjuſtifiable and unmanly; it would be taking an advantage of his Majeſty's unfortunate and calamitous ſtate, with a view to attack and abridge the rights of his ſon. He loudly complained of the friends of his Royal Highneſs being proſcribed, and marked down as the objects of miniſterial vengeance. With regard to the creation of Peers, any propoſition for preventing the too great increaſe of honours, would come with an ill grace from one who, ſince the year 1784, had made ſo large an addition to the Peerage. Suppoſe his Royal Highneſs ſhould think proper to make Peers of ſome of his brothers, the ſons of the King, or ſuppoſe he ſhould be inclined to revive the memory of the Marquis of Rockingham, by a renewal of that title, or to beſtow ſome honours on any branch of the illuſtrious Houſe of Cavendiſh, would it be decent or honourable to reſtrict him in the exerciſe of

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ſuch a privilege? Mr. Burke mentioned the early ebullition of loyalty in the late Marquis of Rockingham, who, when a boy, ran away from his parents, to General Honeywood's camp, that he might go and fight againſt the rebels. Mr. Burke ſaid, he could mention ſeveral others, on whom, ſhould his Royal Highneſs be pleaſed to confer the Peerage, it would not be a ſufficient reaſon to diſgrace him. [The cry of *Hear! Hear!* occaſionally made] Mr. Burke ſaid, as to thoſe ſigns of vociferation without reaſon, he could find a pack of hounds, who would produce better ſounds. After making a great variety of pointed obſervations on the Rights of the Prince, and the injuſtice, and unconſtitutional conduct of abridging him of any of the executive powers during his Majeſty's incapacity, which he conſidered as a *Civil Death*, and after putting it as a poſſibility that his Majeſty might not recover, notwithſtanding the preſent expectation of his Majeſty's Phyſicians, in which view of the caſe, the whole of the Prerogative, he contended, ought to be given to the Regent, who would then be the ſame as the Sovereign, he concluded by ſaying, that the plan of abridging the Prerogative in the hands of the Regent, ſavoured of a proſcription which the Sylla of the day meditated againſt the adverſe party. [In the courſe of his ſpeech, Mr. Burke introduced an account of the late Mr. Beckford's having been called to order in that Houſe, and his words taken down, in order to ſhew that the uſual practice of the Houſe had been, to give a Member an opportunity of explaining himſelf, and not to make any thing that fell from him in the courſe of his ſpeech, the ſubject of a joint Reſolution of the two Houſes of Parliament. He alſo took notice of the famous Order of Council, when Lord Camden was in office many years ago, and of other ſingular matters.]

The *Solicitor General*, repelled the doctrines he had heard, as if his Majeſty was not in his politic capacity, whole and entire. He urged the expediency, as well as the propriety, of adopting the mode of procuring the Royal aſſent propoſed by the Chancellor of the Exchequer, declaring that from ſome of the arguments he had that day heard, a doubt had ariſen in his mind, whether the Right Hon. Gentleman did not mean to ſacrifice the Conſtitution. He aſked, would any man dare to put a Queſtion whether the King yet ſat on the Throne or not? For his part, he was determined to Sir John Scott.

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ſupport the law, becauſe the law ſupported the King on the Throne. He had never ſaid, that none of the Royal Family were Heirs to the Crown, but ſure he was, that only one of them was his Heir, and it was with a view to ſecure him in his Right to Hereditary Succeſſion, that it was abſolutely neceſſary to proceed as the Reſolution provided. The Throne was at preſent full of the Monarch, and no man dared to ſay that his Majeſty was deficient in his politic capacity. He, therefore, ſhould vote upon the ſimple ground of preſerving the forms of the Conſtitution; and be it remembered that upon the preſervation of the forms depended the ſubſtance of the Conſtitution. With regard to the pageant and the puppet that had been talked of, King William ſubmitted to be that puppet, and if he had not, he could not have had the Crown. He had heard a great deal about limitations, but he would not ſay one word upon that ſubject then; when it ſhould come properly under conſideration, he would freely ſpeak his ſentiments upon it. From what he had heard from the noble Lord in the blue ribband the other night, it had given him the comfortable hope, that if the noble Lord had ever forgot his Sovereign, the noble Lord would not now forget him. He adverted to what had fallen from Lord North laſt week relative to the Precedent in the infancy of Henry the Sixth, when the noble Lord had declared, that the Parliament then aſſembled, though the Great Seal had been put to the Commiſſion by a babe nine months old only, that it was a perfect Legiſlature, conſiſting of King, Lords, and Commons. It had been ſaid on a former day, that if the two Houſes could do what was propoſed, they could do any thing; if they could go ſo far as to procure the Royal Aſſent, in the way before ſtated, to the Regency Bill, they might proceed to paſs other Bills in the ſame way; but this was neither a juſt nor a fair concluſion; it was a maxim which ought to be attended to, that the right which is created by neceſſity, is alſo limited by the ſame neceſſity; conſequently they were to provide merely for the neceſſity of the caſe, and not go beyond it. As a juſtification of the uſe of the Great Seal in the King's name, he obſerved, that, notwithſtanding his Majeſty's temporary incapacity, in the eye of the Law, his politic character remained entire; that any meaſure taken to ſubvert or act contrary to that acknowledged maxim of law,

law, would perplex and embarraſs the conſciences of the judges who were to declare the law, and that, on this ground, there would be no illegality in applying his name to the Bill in queſtion. No Regent, he was perſuaded, could be legally appointed but in this way. He defined the rights of the two Houſes, and ſpoke of the laſt Regency Bill in 1765, for the ſecurity of the hereditary ſucceſſion, and to guard againſt the danger of the Crown's devolving into the hands of an infant. He ſaid, he ſaw ſome gentlemen preſent who at that time ſat in Parliament. He appealed to them therefore to know, whether or not it was their meaning when they paſſed that Bill, to clothe the Regent with all the powers of a King? The ſucceſſion to the Throne was undoubtedly hereditary, but the exerciſe of the Government, the wiſdom of ages had left it to other times to provide for, when a neceſſity like what exiſted at preſent ſhould occur. However all might reprobate the Precedents that occurred in the reign of Henry the Sixth, the two Houſes then provided for the exigency by forms; they put in a puppet, and gave that puppet powers extremely ſhort of the powers of a King. A Regent was then appointed, as now, by the two Houſes, nor could a Regent ever be appointed but by the two Houſes. If a Commiſſion had been made, before the two Houſes met on the 20th of laſt month, to open the Parliament, he was of opinion that it would have been legal. Thoſe who aſſerted that the quick and ſhort way of making a Regent was the beſt way of making a Regent, it was they who in fact declared the two Houſes could make Laws. They might talk what they pleaſed of legal metaphyſics, the law was as he had explained it, and he could not help taking notice of a Queſtion that had been put to him by an Hon. Gentleman, a worthy friend of his, whoſe mind ought to have been more full of the legal entanglements as they had been called. That Hon. Gentleman had ſaid, that if they could, by putting the Great Seal to a Commiſſion, make a Legiſlature, why had they not dragged the Thames for the Great Seal at the Revolution, and then they might have gone on paſſing Bills without calling in William and Mary? He would tell that Hon. and Learned Gentleman, that let the Throne be vacant, and he cared not where the Great Seal was. When the Throne was vacant, every function of the executive Government was at an end; the

Courts of Juſtice did not ſit. Whereas, at that moment, let Gentlemen recollect the Courts were ſitting, and the Judges proceeding upon that very maxim, that the political capacity of the Crown was entire. William, the great deliverer of the nation, was not aſhamed of being the puppet that had been deſcribed. At the Revolution, the nation reſolved on what they would have, and Parliament, after the Legiſlature was complete, thought proper to make an act, declaring that all was right. Sir John ſaid, he was not to be told that they would do every thing, becauſe they were endeavouring to adopt the conſtitutional mode to make Parliament complete. He added ſeveral other legal arguments, and concluded with proteſting ſolemnly that the opinion that he had given was from principle, uninfluenced by any motive, but a regard for the conſtitution, and a reverence for the wiſdom of ages, on which he adviſed the Houſe to act, by voting the original Reſolution.

Sir John Aubrey.

Sir *John Aubrey* aroſe and ſaid, upon the preſent occaſion I find it impoſſible to diſcharge my duty as a Member of this Houſe, without, in *ſome degree*, differing from thoſe with whom I have for ſome time acted.

I *concur* with them in rejecting the doctrine of a Regency *de jure* in the Heir to the Crown; becauſe it is againſt *precedent*, and againſt *the Law of the Land*, and was ſo declared in Parliament in the reign of Henry VI. In fact, as I ſee the ſubject, *it is no caſe of Regency in any perſon*, except as the *whole* Parliament ſhall think fit ſo to treat it. The law of England, as I have been inſtructed, acknowledges neither infancy, nor delirium, nor any perſonal infirmity, to belong to the King upon the Throne: for in *this reſpect the law looks only to his political character*; and ſupplies him with Councils to enable his acting politically, even when naturally he is moſt incapable.

But, I *do not concur* with them in thinking the Houſe, at this moment, competent to exerciſe any of its Parliamentary Functions, more eſpecially its Legiſlative one; or to do any thing tending to ſuch an exerciſe. The King has not yet appeared either in his perſon, or by proxy, that is, by a Commiſſioner repreſenting him. I take it to be the eſſence of Parliament, that the three branches of the Legiſlature ſhould be aſſembled, before one begins to act.

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But only two are now met, the first of the three being absent. Till this branch shall appear, I agree with the sentiments contained in a very recent publication, by one, whose authority, as a well read and consummate lawyer, is so justly and universally acknowledged, and with whom I have the honour to be connected by friendship, that without the King we are only a CONVENTION. But in the present case there is no necessity for resorting to a mere CONVENTION of the two Houses. The King's person may be constitutionally supplied by a Commissioner; and that Representative in the present extraordinary situation, will, in point of propriety, be the Heir Apparent to the Crown. Till this chasm in Parliamentshall be filled, I cannot assent to joining in any vote, or any other business of the House, beyond voting for a previous question, or some other question tending to prevent our further acting as a House. When this chasm shall be properly filled up, when the Parliament shall be full by a representation of the King, I shall cheerfully and heartily concur in the seemingly general sentiments of making the Heir Apparent *sole Regent*. As far also as my consideration of the subject hitherto can intitle me to speak, I confess I am not in the least disposed to adopt those restrictions, which have been opened to the House, as probable parts of the intended Regency Bill. I dread the effects of a *distrusted, curtailed,* and consequently *enfeebled* executive power. I wish sincerely to join in every proper respect to our most gracious and afflicted Sovereign, and in *providing every security for his returning to the personal exercise of his authority, the moment his present calamity shall cease to operate.* But I cannot think, that the proposed restrictions would be approved by himself, was he restored to his former health. From his known love of his country, and from that liberal benignity of mind which soars above the flights of Envy, I must presume, that he would not wish to encrease the public distress from his present afflicting malady, by rendering the Heir Apparent to his Crown, and his intended Representative, less capable of performing the whole of the Royal functions, than he himself was before the commencement of his illness. The argument for restriction proceeds upon a supposition, which might warrant *future permanent* restrictions on the executive power. If the Heir Apparent is not fit to be entrusted as a temporary Representative for his father, it claims

from us reſtrictions to check the Prince, when he ſhall have the executive power as a principal and in his own perſon. Had he committed any overt act, indicative of a diſpoſition to abuſe the Royal authority, he ought to be equally reſtrained in both caſes. But to reſtrain him in either caſe without provocation, ſtrikes me as unjuſt to him, and dangerous to the State over which he is to preſide for his father. In truth, the argument for reſtriction of the Prince as a Regent ſeems more to ſavour of prejudice againſt a particular party in the State, than to concern the general and public welfare. And though I not only ſtand unconnected with that party, but have ſeverely ſuffered by their violent oppoſition to the choice of me by the county, for which I ſit in Parliament as one of its Repreſentatives; yet this remembrance avails not to influence my opinions upon ſo momentous a buſineſs, as that which now calls for our deciſion.

Such are my general ſentiments upon the preſent important criſis. They were the ſame when we met laſt Tueſday, and I then meant to have declared them. But in the early part of the Debate, I found no opportunity of addreſſing the Houſe; and I was forced by the remnant of an illneſs, which has long had poſſeſſion of me, to leave the Houſe, without waiting, either to declare my opinions by ſpeaking, or to act upon them by voting.

Lord North. Lord *North* ſaid, he had liſtened the laſt time he was there with great attention to an Honourable and Learned Gentleman. He had heard him charge him with having been miſtaken as to the Revolution. He did not ſee a ſingle concluſion to be drawn from what he had ſaid. He agreed, his Lordſhip ſaid, with the Hon. and Learned Gentleman who ſpoke laſt, that they muſt reſtore the third eſtate. He wanted to ſee King, Lords, and Commons once more; but he could not think Lords, Commons, and the Great Seal, were the three eſtates. He wiſhed for three real eſtates, not three eſtates made up by forms and fictions of law. He knew not much of the Hon. and Learned Gentleman who ſpoke laſt, but by character. No character, he underſtood, rank'd higher in his profeſſion than that Hon. and Learned Gentleman; he had that night laid down many excellent, good, and true maxims, but he was ſorry, after maxim had followed maxim, at laſt to find ſo impotent and inconſiſtent a concluſion drawn from the whole

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ſeries. The Honourable and Learned Gentleman had ſaid, the two Houſes were aſſembled to reſtore the third eſtate, and that what neceſſity creates, neceſſity limits. He admitted that it did ſo; then what had they to do? They had declared the defect in the exerciſe of the Sovereign authority; what remained but to ſupply the defect and to do no more? The neceſſity of the caſe, according to the Hon. and Learned Gentleman's maxim, commanded them to go not one inch further; if they did, they uſurped the prerogatives of the Crown, and would become themſelves the third eſtate. There were, he obſerved, two ways of filling up the vacancy, one plain, clear, ſimple, and ſhort. There was a perſon plainly pointed out by the univerſal conſent of all men, as the only perſon fit to repreſent the King. Declare that perſon Regent, and give him the government of civil and military affairs. The other, that the Lords and Commons ſhould determine on the means to ſupply the deficiency. His Lordſhip here repeated the words of the Reſolution, and ſaid, the way the Right Hon. Gentleman and his friends meant to carry that Reſolution into effect, would be for the Houſes of Lords and Commons to paſs a Bill, which Bill was to receive the Royal Aſſent from a perſon not inveſted with the powers of a Regent, but merely appointed by them to give the Royal Aſſent to their own Act. There did not appear to him, that when that was done, there would be three eſtates; there would be only two. The Lords and Commons and their Deputy, without diſcretion, without any of the powers to diſſolve, or any other of the functions of the third eſtate; in fact, therefore, the whole Legiſlature would conſiſt of Lords and Commons only. He did not wiſh to be ludicrous on ſo ſolemn a ſubject, but the only mode of reaſoning at all reſembling this, was the famous cauſe, *Stradling* verſus *Styles*, reported by Martinus Scriblerus. The cauſe was as follows: Sir John Swale had bequeathed to Mr. Matthew Stradling all his black and white horſes, and Sir John left behind him ſix black horſes, ſix white, and ſix pied horſes. Stradling claimed the whole and reaſoned thus: the black horſes are mine becauſe they are black, and Sir John left me ſix black horſes; on the ſame principle the white horſes are mine; and again I contend, that the pied horſes are mine, becauſe Sir John left me all his *black and white* horſes.

In like manner, the three Eſtates of the Legiſlature were to be made out; firſt there was the Houſe of Lords, then there was the Houſe of Commons, and then there were both Lords and Commons. The Hon. and Learned Gentleman had ſaid, the forms of the Conſtitution were the ſubſtance of the Conſtitution; if ſo, could they introduce the forms to deſtroy the ſubſtance? His Lordſhip declared his quarrel was not with the Great Seal, but with thoſe who would not allow them to have any thing elſe. He wanted a real exiſting third eſtate, capable of exerciſing its functions, capable of uſing its diſcretion, capable of preſerving the balance of the Conſtitution. Let the Houſe turn to the period that had been ſo often mentioned, the Revolution; let them look at the Bill of Rights; they would ſee in the body of that Bill, a Declaration of Rights which the two Houſes had come to, and ſent to the Prince of Orange as their claim of eſtabliſhed Rights, and as the condition of his having the Crown. The two Houſes had only declared and prepared ſuch a Claim, but had no power to enact it, nor did they enact it till the third eſtate was added. The ſame line of conduct ought to be now purſued. They ought not to think of enacting any thing like a law, till they had ſupplied, not with a mere man of ſtraw, a tool of power, a puppet, a creature of their own, but with a ſubſtantial body, the vacancy in the executive department. The Hon. and Learned Gentleman had dwelt on the perfection of the King's political capacity; but if that idea ſerved as the foundation of a commiſſion under the Great Seal for paſſing one Bill, as if the Throne was completely occupied, it might be carried to a much greater extent; and they would have no occaſion to think of ſupplying the vacancy. If it was to be filled up, let them adopt the ſimple mode of acting recommended by the Hon. Gentleman's amendment; let them addreſs the Prince of Wales, deſiring him to take the reins of Adminiſtration in his own hands; and then would be the time, after the Parliament ſhould have been regularly opened, to propoſe any Bill that might be deemed neceſſary, with regard to limitations, or reſtrictions. His Lordſhip ſaid farther, that as ſoon as they had appointed the Regency, and rendered the Legiſlature complete, it would be their duty to take effectual care that his Majeſty, as ſoon as God Almighty ſhould be pleaſed to reſtore him

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to his people, might again reſume his powers. They would have further to provide for the care of his Royal Perſon, and he held it as a clear line of policy that the Regency, and the guardianſhip of the Royal Perſon, ſhould be in different hands. In the Bill, that the two Houſes might adopt for ſuch purpoſes, could be included every reſtriction thought neceſſary to be propoſed by that Houſe, and to what the two Houſes ſhould agree there was not any probability that it would not receive his Royal Highneſs's aſſent. His Lordſhip, after a ſhort panegyrick on the preſent conduct of the Prince, concluded with obſerving on the ungracious appearance the proceedings of the Houſe muſt have to his Royal Highneſs, and by declaring himſelf for the amendment.

Lord *Fielding* reprobated the Reſolution as originally moved, declaring that it would form a dangerous Precedent to future times. A bad Miniſter might make ſo ill an uſe of it, that as it had been ſaid, "Give me but where to ſet my foot, and I will ſhake the earth;" ſo a bad Miniſter, with ſuch a Precedent in his poſſeſſion, might make it the means of effectually ſubverting the Conſtitution. His Lordſhip gave it as his opinion, that an immediate declaration be made of the Prince of Wales, Regent. They had not, he ſaid, any reaſon to diſtruſt his Royal Highneſs, or to imagine that he would not ſubmit to any reſtrictions or limitations that Parliament might think proper to impoſe, after the Legiſlature ſhould be complete. At the period of the Revoluton, a confidence had been placed in the King, nor was it till after he had been declared King, that the Bill of Rights, and other ſettlements and ſecurities of our liberties were adjuſted, and paſſed into laws, and ſurely the chance of his Royal Highneſs's ſubmiſſion to the will of Parliament, after the gracious declaration that had been made from ſuch high authority in another place, was much greater than that of the Prince of Orange's conſenting to give the Royal Aſſent to the Bill of Rights had been. Let Gentlemen conſider the difference of the two characters. The Prince of Orange was a foreigner, and had an army of foreign troops in the kingdom, and the greateſt part of that army near London. Whereas the Prince of Wales, was a Prince born among us, whoſe filial tenderneſs and natural goodneſs of heart had already endeared him to all who knew him, and gave the beſt promiſe of

Lord Fielding.

his being as anxious with the legiſlature in ſecuring his father's rights as that or the other Houſe of Parliament could wiſh or expect. His Lordſhip declared he ſhould vote for the amendment.

Mr. Fox. Mr. *Fox* began with ſtating, that he ſhould be as ſhort as the nature of the queſtion would allow, neither being in health ſufficient to ſupport him to intrude longer upon the time of the Houſe than he could poſſibly avoid, nor thinking that the queſtion could not be argued in all its bearings without going very much at length into reaſoning on the ſubject. He declared, with many of the poſitions laid down by the Honourable and Learned Gentleman, who ſpoke ſecond in the debate, he perfectly concurred, though he differed with him totally as to their application; conceiving, as he would explain to the Houſe, that they rather went in favour of the ſide of the argument that he ſupported, than in favour of the argument ſet up by the other ſide of the Houſe, in ſupport of the queſtion originally moved. He agreed with the Honourable and Learned Gentleman, that the forms of the Conſtitution were eſſential to the ſubſtance of the Conſtitution. Undoubtedly they were ſo; but then they ought to take care not to miſtake the forms for the ſubſtance. The forms of the Conſtitution were to be conſidered as the guards and outworks, and ſo long as they continued faithful in their office, were certainly eſſential to the ſubſtance; it behoved them to watch them, however, with a jealous eye, and to ſee, that they were not uſed to betray the Conſtitution, and thus the ſubſtance given up while the forms were preſerved with a ſcrupulous affectation. He proceeded in the firſt place to examine the Precedents that had been produced by the Committee, and to ſee how far they applied to the Queſtion as originally moved. Theſe Precedents naturally divided themſelves into two branches, the Precedents in the reign of Henry the Sixth, and the Precedent of the Revolution. Before he ſpoke of the former, it was neceſſary to obſerve the diſtinction between a Parliament and the two Houſes of Parliament; for, in the hiſtory of the times antecedent to the Revolution, the Parliament and the two Houſes of Parliament were frequently confounded under the general deſcription of the Parliament; he would, therefore, throughout his ſpeech, when he alluded to the

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two Houſes of Parliament, call them the two Houſes of Parliament, and when he meant the Parliament he would call it by a different name, that of the Legiſlature, ſince that word would more plainly deſcribe what a Parliament legally conſtituted was, and it would be the leſs likely to miſlead and confound the Houſe. By a Legiſlature, Mr. Fox ſaid, he meant three eſtates of King, Lords, and Commons, but that he ſhould never conſider as the third eſtate, which had no right to exerciſe its diſcretion in giving the Royal Aſſent to, or Diſſent from any Bill, that was ſent to it, or that had not the power of proroguing, diſſolving, and convening Parliament. Thoſe powers were neceſſary to arm the third eſtate with the means of encroachments of the two Houſes of Parliament, and preſerving the balance of the Conſtitution. Having ſtated this expreſsly, he noticed the Precedents on the Table. On the demiſe of Henry V. the Crown devolved to his ſon, an infant of only nine months old. On the death of his father, the Counſel at that time in exiſtence repaired to the Infant King, and the Biſhop of Durham, then Chancellor, delivered the Great Seal; not, he ſuppoſed, into the perſonal hands of Harry the Sixth, becauſe he could hardly be capable of receiving it. The Duke of Glouceſter, the neareſt of kin to the King, took the Seals, and delivered them to the Maſter of the Rolls, directing him to put the Great Seal to a Committee appointing him Protector in the name and on the behalf of the King, alſo to a great variety of Commiſſions, and to a number of Writs, ſummoning a Parliament to meet at Weſtminſter. In that Parliament one of the firſt things done, was to paſs an Act of Ratification and Indemnity, for having ſummoned a Parliament in that manner, and to declare it a legal Parliament. Here then was a regular legiſlature which recognized the third eſtate in the perſon of the Duke of Glouceſter, who repreſented the Crown, and had all the powers and prerogatives in their full extent, in like manner as if he had been the Sovereign. And it was obſervable, that ſuch was the reſponſibility annexed to the Duke of Glouceſter's high office, that amidſt all the various Acts of Indemnity paſſed by that Parliament, the Duke deſired no indemnity for having thus employed the Great Seal. This inſtance clearly made not in favour of the Amendment moved by the Hon. Gentleman behind him, to addreſs

dreſs the Prince of Wales to take upon him the Regency, but at the ſame time it went directly againſt the Reſolution, as originally moved by the Right Hon. Gentleman, becauſe by that they were called upon to ſet up a Pageant without the exerciſe of the right of diſcretion in giving either an Aſſent to a Bill, or a diſſent from it; a mere puppet, a creature of the two Houſes of Parliament, directed to obey them, and obliged, without any diſcretion, to give the Aſſent to ſuch Bill or Bills as they ſhould think proper to paſs. The other Precedents in the reign of Henry the Sixth, were thoſe of the 32d and 33d years of Henry, when through a temporary infirmity of the King, the Duke of York was appointed Regent. Mr. Fox commented on thoſe two Precedents, and ſhewed, that in both, there was an actual third eſtate, exerciſing all the diſcretion as to the giving the Royal Aſſent or Diſſent, enjoying the power of diſſolving, proroguing, and convening the Parliament. From theſe ancient Precedents, Mr. Fox proceeded to take notice of that of the Revolution, and ſaid he ſhould wholly lay out of the caſe, as inapplicable in point of analogy, all the circumſtances of the alarm that prevailed from the danger to the nation of loſing its Liberties, Religion, and Conſtitution, on which account the Convention ſet aſide King James and his Son, the Prince of Wales, or pretended Prince of Wales, did not appoint Queen Mary, and declared William and Mary King and Queen, obviouſly for the reaſon, that he was the only perſon fit for them to chuſe, becauſe he was the only perſon capable of defending their Liberties and Religion, and preſerving the nation from the imminent danger with which it was threatened. At the Revolution, the two Houſes, without entering into a previous reſolution, proceeded to declare William and Mary King and Queen. That, therefore, was a caſe which conſiderably ſtrengthened the mode of proceeding which the Amendment propoſed. After laying great ſtreſs on this, Mr. Fox mentioned the diſtinction between the acts of a Legiſlature, and the acts of the two Houſes. The latter, he ſaid, were always done by vote, reſolution, and addreſs; the former by its bills, which received the Royal Aſſent and became Acts of Parliament. Having fully argued upon the Precedents of the Revolution, and recommended it to the Houſe as a fit example for them to follow on the preſent occaſion, he ſaid, he would admit that which ever way they proceeded,

ceeded, whether by Addreſs to the Prince of Wales, to take upon himſelf the Regency, or by adopting the method ſuggeſted by the original Motion, in either caſe, there would be ſomething informal in their firſt ſtep, but in the mode he had propoſed there was only one informality, whereas the other mode conſiſted not only of an informality, but of a direct fraud. He agreed with the Hon. and learned Gentleman, that the power ariſing from the neceſſity of the caſe, as every power of that ſort did, preſcribed its own limits. What was the neceſſity of the caſe? Merely the defect in the exerciſe of the Sovereign Authority, occaſioned by the declared incapacity of his Majeſty, the want of a Regent, or ſome perſon to repreſent the third eſtate, and enable them to hold a Parliament. Why not go the ſhorteſt way to do ſo, by voting an Addreſs, and thus at once reſtore the Crown to be in a capacity to legiſlate? Mr. Fox ſaid, it had remained for the metaphyſical Lawyers of this day to diſcover, that it was neceſſary to reſort to the coarſe and clumſy fiction that was to be put in practice, to enable them to ſit with legal Parliamentary authority. He ſaid ironically, he ſuppoſed that Sir Oliver Sinclair, and the other great Lawyers at the period of the Revolution, were negligent men, who let the Houſe proceed without reſorting to the method now propoſed. Had Sir John Scott been at that time Solicitor General, the caſe, he had no doubt, would have been different. After mentioning that inſtead of a Commiſſion appointing the Lord Chancellor Regent *pro tempore*, ſuch a Commiſſion ought to paſs the Great Seal, declaring the Prince of Wales Regent, and after a great deal of reaſoning againſt the original Reſolution, and repeatedly contending that the thing to be ſet up was not a third eſtate, but the Houſes of Lords and Commons converted into a pretended third eſtate, though clearly a very different ſort of creature; he took notice, that although the opinion he had held of the Right of the Prince of Wales to the Regency had been flatly denied, and the Right of the two Houſes aſſerted and declared in a Reſolution, it was not a little whimſical that now, when the Regent was to be declared, inſtead of exerciſing their declared Right, the Houſe reſorted to another, the Lord Chancellor, to do it for them. He ſaid it was a power never before held by that great authority, or any other ſubject. He denied the neceſſity

for any ſuch proceeding, and maintained, that to reſort to it, was to exceed the neceſſity of the caſe, and to eſtabliſh a fatal Precedent, that might in future times be abuſed to the infinite diſadvantage of the intereſts of the people.

Mr. Pitt. The *Chancellor of the Exchequer* roſe, and began with complimenting Mr. Fox on his having that day delivered his opinion free from the ſmalleſt appearance of that aſperity and warmth of which he ſo frequently had occaſion to complain; he aſſured the Right Hon. Gentleman, that he ſincerely lamented that the reaſon of his not having gone into ſo ample a diſcuſſion of the Queſtion as he otherwiſe would have done, was owing to ill health; he wiſhed to have had the Queſtion ſifted to the bottom, becauſe he was convinced that the more it was agitated, the more it would be found to be drawn agreeably to the true fundamental principles of the Conſtitution. He ſaid, he ſhould have no occaſion to take up much of the time of the Houſe, becauſe the true point of the Queſtion appeared to him to be within a very narrow compaſs. He was not fearful of treading over the ground of the Right Hon. Gentleman, which he would endeavour to ſhew in a very different light, and draw very different concluſions from, before he would ſubmit to the Houſe thoſe particulars on which he wiſhed to reſt the grand Queſtion. The Precedents before the Houſe, which had been on a former day reprobated, as in no manner analogous, and as Precedents that could not for a moment be borne with, were now referred to the Houſe, not to judge of as forming a fundamental principle of the Conſtitution, but as ſhewing the modes which ought to be adopted in the preſent criſis. He would contend, however, that they tended to ſhew, that upon the ſuſpenſion of the Royal Authority, the power reſted with the two Houſes of Parliament to provide for ſuch deficiency; they tended to ſhew the ſolemn opinion of Parliament, given upon a Claim of Right being made. In the caſe of the infancy of Henry VI. his name was uſed, and he was made the inſtrument to give vigour to the meaſures taken by the two Houſes of Parliament: there was, however, a material difference between thoſe times and the preſent. At the death of Henry V. there was no Parliament: the caſe was now the reverſe; a Parliament exiſted, and had been ſummoned by the King's own writ. The Right Hon. Gentleman, in alluding to the

the reign of Henry VI. ſaid, that Acts of Indemnity had been paſſed in the firſt Parliament aſſembled during his reign for every trivial meaſure that had been adopted, even for every writ that had been iſſued under the Great Seal; but that no Act of Indemnity had been paſſed for the great and important office the Duke of Glouceſter had taken upon himſelf; the Hon. Gentleman would, however, upon the inveſtigation of the firſt Act of Indemnity, find himſelf miſtaken, for the Act included the Duke of Glouceſter, by granting an indemnity for all other Commiſſions. He wiſhed not to allude for a Precedent to the times ſubſequent to the battle of St. Alban's; the power the Duke of York ſupported was ſhown by the Parliament long before that battle. He not only diſagreed with him in the ſtatement and concluſion of the Precedents of Henry VI. but alſo in the concluſion he had drawn from the period of the Revolution. He agreed with him, that there was much inapplicable, and ſome applicable. He agreed with the Right Hon. Gentleman, that the proceedings of thoſe times, when influenced by the arms of their natural enemy the French, or by any other political meaſure, ought not to be conſidered in point; but ſuch as were according with the forms of the Conſtitution he conſidered as applicable; the inference to be drawn was, that not having a King, they proceeded to fill up the Conſtitution, and in ſo doing, they did not take the choice of a King, but had recourſe to that perſon who appeared to them the moſt likely to protect their liberties and their rights; feeling the neceſſity of the caſe, they had taken meaſures nothing ſhort of a Legiſlative Act; they had proceeded upon the principle of the Conſtitution, though not according to the forms of the Conſtitution; and what was deducible from thoſe meaſures was, that in caſes of neceſſity to provide for the public ſafety, the power belonged to the people, through their repreſentatives, the Lords and Commons, up to the fulleſt extent of his argument; whatever included with it, in the meaſures taken at the Revolution, the Principles of the Conſtitution, he conſidered as applicable to the preſent moment. Upon what principle did they proceed to an Addreſs to the Prince of Orange? Their ſituation was widely different from that of the preſent times; they had to provide for the filling a Throne that was vacant; at the preſent moment the Throne was full. The Right Hon. Gentleman had ſaid, that according

cording to the 13th of Charles II. the two Houſes of Parliament cannot proceed to legiſlate without a King; the conduct of the Revolution had contradicted that aſſertion; they had acted legiſlatively, and no King being preſent, they conſequently muſt have acted without a King. He aſked, could the Throne be vacant during the life of a King? He truſted that no man would aſſert the affirmative, though he had heard ſomething of ſuch an idea from the Right Hon. Gentleman (Mr. Burke). [Here a cry of *No! No!*] Was it poſſible that our ſituation could be ſimilar to that of the Revolution, when we had a King on the Throne who had never forfeited his Right? His political capacity remained as entire and as perfect as ever, but from a natural incapacity he could not act; the two Houſes of Parliament could not therefore abide by the Act of Charles II. any more than it was abided by at the Revolution; they were as much prevented in the preſent inſtance by the Act of God, as they had been at the Revolution by the abſence of the Sovereign, and were as much juſtified now to deviate from it, as they were at that glorious Æra; that Act might have been with equal propriety pleaded as an irreſiſtible bar to the Revolution, as to the meaſures now intended to be taken. The Right Hon. Gentleman had aſſerted the uſe of the Great Seal to be irregular, if applied to form the two Houſes into a Parliament. The Addreſs propoſed would be equally exceptionable; for his arguments went to prove, that to put us ſpeedily in the ſituation which we want, the Prince might be appointed by Addreſs, or might act under the Great Seal. It was then aſſerted by that Right Hon. Gentleman, who had juſt before declared the uſe of the Great Seal, without the King's conſent, to be a groſs fiction, that the two Houſes of Parliament, who could not do it directly, might, by an Addreſs to a third perſon, appoint the uſe of the Great Seal, which neither he nor they had a right by the former argument to uſe at all. The ſhorteſt and the eaſieſt way to obtain the completion of the Legiſlature, as ſtated by a noble Lord (North), was, in his opinion, the mode moſt dangerous to the Conſtitution, and that which tended to the moſt violent uſe of the King's name, without his conſent. Was the Regent ſo appointed to act in his own name, or in the name of the King? one or the other he muſt do; if in his own name, he dethroned the King; if in the name of the King, it muſt be without his conſent:

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the uſing of the King's name without his conſent had been aſſerted to be a groſs, a clumſy fiction, but by that fiction the courts of law were now upheld. That fiction was the ſupport of hereditary monarchy, ſo ſtrenuouſly argued for; the grand principle and foundation on which hereditary monarchy had reſted, was the political capacity of the King ever remaining entire, and it could never be ſet aſide while living, and not having forfeited the Crown. That was the grand principle that ſupported hereditary right; what elſe could have protected the infant monarch in a cradle, or the infirm diſeaſed old King on his bed of ſickneſs? If the doctrine now attempted to be advanced, of the Right of an Heir Apparent to aſſume the exerciſe of Royal Authority on the infancy or indiſpoſition of a King, ſhould be once eſtabliſhed, an adieu might be bid to all hereditary ſucceſſion, or even to the enjoyment of Kingly Power during life. If the Lord Chancellor ſhould put the Great Seal to any Act, no power in the country could ſay it was not law. It would be preſumption in the Chancellor on his own opinion to put the Great Seal to any Act, purporting to give the King's Aſſent; but if that Aſſent could not be implied without the Great Seal, no man, he preſumed to think, would ſay, that the wiſdom of the whole Council of the Nation, to guide the political capacity of the King in a moment of ſuch preſſing exigency, was a coarſe, a clumſy forgery, and an idle fiction. By the ſecond Reſolution of the Committee, and to which the Houſe had agreed, they declared it to be their Right and Duty to provide the means of ſupplying the defect of the perſonal exerciſe of the Royal Authority; having aſſerted that Right, they would be betraying their duty if they abdicated a part of that Right, which might eventually put the remainder out of their power to exerciſe. If the Prince was put in poſſeſſion of the Regency, with the full powers and prerogatives of a King, he might immediately diſſolve the Parliament; but it had been ſaid that he *probably* might not; he might, however, with thoſe powers, previous to the diſcuſſion of the Reſtrictions, prevent their taking effect by pouring in a number of Peers into the Upper Houſe during the agitation of the Limitations in the Lower Houſe. Whether the Limitations ought or ought not to take place, they ought to be diſcuſſed while they had the power of diſcuſſion; it might be the opinion of ſome, that during ſo ſhort

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an interval of indiſpoſition very few powers were neceſſary to be given; it was at leaſt a doubtful queſtion, whether it was neceſſary for the public ſafety to give the whole powers of Royalty or not. The Right Hon. Gentleman had ſaid, they muſt limit what they did by neceſſity; in that opinion he fully agreed, and in that opinion the two Houſes were juſtified in delegating to whom they pleaſed, and what portion they conceived neceſſary of the Royal Authority. The wiſh of the Gentlemen on the oppoſite ſide of the Houſe was, that they ſhould give the whole power, before they knew whether it was their duty to give more than a part. The true Queſtion he conceived before the Houſe was, whether the granting the full power at preſent might not hereafter, when it ſhould pleaſe God to reſtore his Majeſty to the prayers of his people, be the means of diminiſhing the power of the rightful Poſſeſſor of the Throne. He pretended not to know who were to be his Royal Highneſs's adviſers; he ſhould be happy did he not conjecture who were *not* to be his adviſers: The Houſe, when they were told that it was not probable his Royal Highneſs would refuſe his aſſent to any reſtrictions on the Regency, that might be ſubſequently propoſed, ought to look to thoſe who probably might be his adviſers, and to conſider whether they might not perſuade him to refuſe his aſſent to any limitations that might be offered. If they truſted the power of enforcing what limitations might be deemed neceſſary out of their hands, they might not be able to exerciſe their duty, and would by ſuch neglect ſacrifice the reſpect they owed to their Conſtitution, to their King, and to their Country; for theſe reaſons, he concluded in favour of the Reſolution, and againſt the Amendment.

Mr. Fox. Mr. *Fox* roſe to explain two or three points that the Right Hon. Gentleman had miſunderſtood. He had not ſaid that all fictions of law were coarſe fictions; he was well aware that there were ſome fictions laudable fictions, but was that the caſe in the inſtance under their conſideration, where the King's name was to be uſed, when it was notorious that his will could neither be known or obtained? The third Eſtate to be ſet up on the preſent occaſion was ſomething with no will of its own, no diſcretion, but acted merely as the two Houſes thought proper; it was a mere creature of theirs, and if reſorted to once might be reſorted to again and again. The Right

Right Hon. Gentleman had talked of giving a part of the Royal Prerogatives to the Regent; was he aware that to give a part of the Royal Prerogatives could be more than a gift of the whole, becauſe if they gave a part of the Regal functions, they changed the Regal functions, and proceeded to create a deſcription of perſons unknown to our Conſtitution. Mr. Fox renewed his arguments againſt ſetting up any thing for an intermediate Regent, which could neither diſſolve, prorogue, nor convene the Parliament, nor exerciſe the power of diſcretion in giving either his aſſent or his diſſent to ſuch Bill or Bills as ſhould be preſented to him from the former. Theſe powers in the third Eſtate, he ſaid, formed an inherent principle in Legiſlation.

Mr. *Powys* thought any thing preferable to the mode propoſed in the Reſolution originally moved, but he entertained great doubts whether the meaſure of preſenting an Addreſs did not out-run the Precedent. Was the Honourable Gentleman, who moved the Amendment, ſure that his Amendment would anſwer the end propoſed? At the time of the Revolution, he believed certain propoſitions and declarations of Right were ſent to the Prince of Orange, as the conditions on which they tendered him the Crown; if no conditions accompanied an offer of the Regency, might not that preclude the Houſe from the diſcuſſion of a Bill of Limitation and Reſtriction, ſhould any ſuch hereafter be thought neceſſary. Mr. Powys.

Mr. *Fox* ſaid, an Addreſs, if voted, would give the Regent no abſolute power, but it would enable him to hold a legal Parliament, with whom would reſt the legal appointment of his powers, then to be defined, if any limitations ſhould be deemed deſireable. Mr. Fox.

Mr. *Burke* roſe to explain. He believed the Right Hon. Gentleman alluded to words uttered by him. He had neither ſaid, nor meant to ſay, that if his Majeſty recovered, he ought to be ſet aſide: he had only ſaid, that during the continuance of his Majeſty's preſent incapacity, he conſidered him as civilly dead, and whilſt his Majeſty ſhould ſo remain, the third Eſtate ought to devolve on the King's ſucceſſor, being of age, and of full capacity. Mr. Burke.

Mr. *Drake* declared he was averſe to the Reſolution, and had doubts of the propriety of the Amendment. He wiſhed to know Mr. Drake.

if voting the Addreſs would preclude him from giving his opinion on the Limitations hereafter.

Mr. *Smith* and Sir *Charles Gould* ſpoke under the gallery.

Mr. Marſham.

Mr. *Marſham* declared he felt the ſame difficulty with Mr. Drake, (who had withdrawn). He ſaid, he objected to the Reſolution, and ſhould vote for the Amendment, but under the idea that he was not by ſo doing in any manner bound from giving his opinion on the queſtion of Reſtrictions, on which he had not yet made up his mind.

Mr. Sheridan.

Mr. *Sheridan* wiſhed the Hon. Gentleman had not withdrawn himſelf from the Houſe, as he was perſuaded he could have ſatisfied his mind completely. Mr. Sheridan contended, that the preſent Queſtion was directly connected with that of the Limitations. The Right Hon. Gentleman's arguments went to prove, that if the Houſe adopted the preſent Reſolutions, they would then be enabled, without the poſſibility of diſappointment, to make what reſtrictions might be thought proper; but if they did not, that then the reſtrictions, they might wiſh to have made, might be impoſſible for them to carry into execution. The noble Lord, he ſaid, had not merely declared, that it was not probable that his Royal Highneſs would, on his being made Regent, diſſolve the Parliament, but that it was nearly impoſſible, for how was money to be obtained to carry on the Government. He ſaw but one reaſon for the Right Hon. Gentleman wiſhing to limit the Prerogative, as he knew by his own *experience* what was ſubject to abuſe; he knew that the Prerogative of diſſolving a Parliament, and of ſending a number of Lords to the other Houſe, might be abuſed; ſuch powers in the Prince he, however, did not believe would be miſuſed. There was no doubt, he ſaid, but the firſt act of the Prince would be to limit the Regency; limitations that would come with much better grace after the appointment than previous to it. The Prince, he was confident, would not ſo far forget the duty he owed to his country, and the reſpect he held for his Father, as to diſſolve his Parliament immediately; nor was there any perſon, he was confident, who would argue ſuch a thing as more than barely poſſible, much leſs as probable. He conceived the motive of the Right Hon. Gentleman to be, in plain Engliſh, an apprehenſion, that if he were Miniſter, no reſtriction whatever would be adopted. Mr. Sheridan

aſked,

aſked, what proviſion there was made, provided his Royal Highneſs ſhould refuſe the Regency? Some proviſion ought, he conceived, to be made for ſuch a circumſtance, although he did not think any friend of the Prince would be raſh enough to give him ſuch advice.

Mr. *Rolle* ſpoke in favour of the Reſolution.

Alderman *Sawbridge* was on his legs when the ſtrangers were deſired to withdraw; at length, after much ſtruggle for the Queſtion, the Queſtion was put.

At half after twelve o'clock the Houſe divided upon the Reſolution, when there appeared,

Ayes (for the original Motion) - -	251
Noes - - - - -	178
Majority for the Miniſter - -	73

At One o'clock the Houſe adjourned.

Tueſday, December 23.

The Marquis of Worceſter reported, that the Lords had agreed to a conference.

A Committee was then appointed, which conſiſted of the following Honourable and Right Honourable Members, viz.

Marquis of Worceſter	Lord Apſley
Chancellor of the Exchequer	Secretary at War
Marquis of Graham	Sir Joſeph Mawbey
E. J. Eliot, Eſq;	Lord Frederick Campbell
Alderman Watſon	Lord Belgrave
Earl Mornington	J. Rolle, Eſq;
Earl Courtoun	Maſter of the Rolls.
Lord Advocate of Scotland	

As ſoon as the Committee returned, the Marquis of Worceſter reported, that the Managers had met, and that the Conference, on behalf of the Lords, had been conducted by the Lord Preſident, Lord Privy Seal, Duke of Richmond, Marquis of Caermarthen, Lord Sydney, Lord Hawkeſbury, Lord Morton, &c.

The Call of the Houſe was, upon Motion, further adjourned until the morrow ſe'nnight.

Friday, January 2.

DEATH OF THE SPEAKER.

At four o'clock near two hundred Members being aſſembled,

Mr. Hatſell, the Clerk, ſaid, it was with much concern he had to inform the Houſe of a melancholy event that had happened that morning, the Death of the Speaker.

The mace was immediately ordered in, and Mr. Colman, the Serjeant at Arms, having brought it in accordingly, and laid it under the table,

Mr. Roſe. Mr. *Roſe* ſaid, the Houſe being made acquainted with the unfortunate event which had happened, and for which he was confident every Member of that Houſe felt the ſincereſt regret, he conceived it would be proper for them, in their preſent melancholy ſituation, to adjourn to Monday next. He moved accordingly, "That this Houſe do adjourn to Monday."

Mr. Vyner. Mr. *Vyner* ſuggeſted a doubt of the power of the Clerk to adjourn the Houſe further than from day to day; he wiſhed if the Clerk had the power of adjourning for more than one day, that precedents might be read of having exerciſed ſuch power.

Mr. Roſe. Mr. *Roſe* had no objection, if it was thought neceſſary, that precedents ſhould be read, and ſaid, that on Monday it would be neceſſary, in his opinion, to proceed to the election of a Speaker.

Mr. Hatſell, the Clerk, read the precedent of Monday the 17th of December, 1783, on which day Mr. Speaker ſent for the Clerk, and by him excuſed himſelf from attending the Houſe that day, on account of the death of a near relation, on which the Clerk adjourned the Houſe to the Wedneſday following.

Mr. Hatſell then put the Motion of adjournment, which was carried *nem. con.*

Monday, January 5.

CHOICE OF A SPEAKER.

About four o'clock Mr. Hatſell called for the Mace, which was brought in by the Serjeant, and placed under the table.

Lord

Lord *Euſton* then roſe, and after obſerving that the unfortunate event of the death of their late worthy Speaker was too well known to require his dwelling upon the circumſtance, reminded the Houſe that the occaſion called for an election of a fit and proper perſon to fill the vacant Chair.—The Hon. Gentleman, whom he ſhould take the liberty of propoſing, was a man, his Lordſhip ſaid, of ſuch ſplendid abilities, experienced aſſiduity, and perfect knowledge of parliamentary privilege, reſulting from the cloſeſt attention to buſineſs ever ſince he had ſat in that Houſe, as pointed him out to be the proper ſucceſſor of the late Speaker. Mr. Grenville was the Hon. Gentleman whom he meant to recommend, and when the Houſe conſidered his excellent underſtanding and unremitting induſtry, he truſted their minds would go with his in thinking, that theſe qualifications rendered Mr. Grenville an object worthy of their choice. Much, he ſaid, might be urged on the ſcore of the Hon. Gentleman's private character; that ſtamp of merit, added to his parliamentary knowledge, and ſtrength of mind and of conſtitution, rendered him in every point of view ſo unexceptionable, that it was unneceſſary for him to take up more of the time of the Houſe. He would therefore conclude with moving, "That the Hon. William Wyndham Grenville do take the Chair." Lord Euſton.

Mr. *Pulteney* roſe to ſecond the Motion. He ſaid, the Right Hon. Gentleman's great attention, extreme accuracy, and clearneſs of reaſoning, they had all ſeen, and witneſſed with pleaſure. The Right Hon. Gentleman had ever conducted himſelf with that moderation and candour that pointed him out as a fit ſucceſſor to the late Speaker. Mr. Pulteney ſpoke of Mr. Grenville's having an hereditary claim to the favour of the Houſe, as the guardian of its privileges, which he had fortified and eſtabliſhed by his judicious alteration of his father's Bill, a Bill that, in his opinion, had gone further towards ſecuring the firſt and the moſt invaluable privileges of that Houſe, than any meaſure that had ever taken place in Parliament. He ſpoke of the cuſtomary uſage of a previous application from the Crown, when the Chair became vacant, but, as under the melancholy circumſtances of the times, no ſuch form could take place, and as it was abſolutely neceſſary that the Chair ſhould be filled, in order to enable the Houſe to proceed with the very delicate and peculiar buſineſs before them, which Mr. Pulteney.

demanded diſpatch, the choice of a Speaker immediately was ſo indiſpenſibly neceſſary, that he ſuppoſed no doubt could remain on that Queſtion. Mr. Pulteney added ſome farther obſervations complimentary to Mr. Grenville, and concluded with ſeconding the Motion.

Mr. Wellbore Ellis

Mr. *Wellbore Ellis* lamented the melancholy ſituation of affairs; the loſs of a regular opening of the Seſſion, and of the executive government, had, he ſaid, been aggravated by the unfortunate loſs of their Speaker. It was, he obſerved, a maxim laid down by ſome authors of eminence, "that any Government was better than no Government at all;" but though he had formerly favoured that opinion, he muſt now oppoſe it, for they ſeemed to be ſo fond of the maxim, that inſtead of taking the ſhort and ready path of reſtoring the third Eſtate, and giving the Conſtitution its due energy and vigour, much time had been loſt in mere Parliamentary fancy. It was true, that under the preſent circumſtances, the uſual forms of an election of a Speaker could not be obſerved, and therefore the Houſe was juſtified in proceeding to an immediate choice; he was very ready to pay every tribute of applauſe to the Hon. Gentleman propoſed by the noble Lord, and ſeconded by the Hon. Gentleman behind him: he was ready to ſay, that the Hon. Gentleman propoſed was a fair object of their choice, were it not that he had intended to propoſe an Hon. Baronet near him, to whoſe abilities and eloquence the whole Houſe could bear teſtimony. He meant no diſreſpect therefore to the Hon. Gentleman, who had been propoſed by the noble Lord, when he preſumed to mention Sir Gilbert Elliot as a fit perſon to fill the vacant Chair. He had, Mr. Ellis ſaid, had the pleaſure of a very early acquaintance with the Hon. Baronet, and knew him from his boyiſh days, and therefore his partiality and predilection were pardonable. But it reſted not on his private opinion; they had all been witneſſes of the Hon. Baronet's zeal for the Conſtitution, they had all been witneſſes of his powerful eloquence, and ſuperior ability; as the Hon. Baronet, however, poſſeſſed the uſual companion of great merit, great modeſty, in compaſſion to his feelings he would forbear to ſay more, but would conclude with moving by way of Amendment, that Sir Gilbert Elliot's name be inſerted in the Queſtion; a Motion, which he again

again repeated, he made without intending the leaſt diſreſpect to the Hon. Gentleman who had been propoſed by the noble Lord.

Mr. *F. Montague* profeſſed that he entertained every reſpect for the Hon. Gentleman named on the other ſide of the Houſe, in common with the noble Lord who had propoſed him, and the Hon. Gentleman who had ſeconded him; but he muſt be allowed to ſecond the Motion made by the Right Hon. Gentleman near him, Mr. Hatſell and he knew how neceſſary a knowledge of legal forms was, and they all muſt admit, that the Hon. Baronet juſt named poſſeſſed that thorough acquaintance with the laws of his country, that, had he continued in the Courts below, could not have failed to have rendered him one of the chief ornaments of his profeſſion. Fortunately for that Houſe, the Hon. Baronet had brought that acuteneſs of mind, that he ſo eminently poſſeſſed, among them, where it could not fail to be exerciſed to the advantage of the public, and to his own credit. Mr. Montague ſaid, he could expatiate much more at large on the qualifications of the Honourable Baronet; but the laſt thing ſaid by the Right Hon. Gentleman who ſpoke laſt checked him. The Houſe undoubtedly would be extremely pleaſed, if he were to expatiate at length upon the ſubject; but when he conſidered, that what muſt contribute to their pleaſure, muſt give pain to the Hon. Baronet, he would reſtrain his inclination, and only ſecond the Motion. Mr. F. Montague.

Mr. *Grenville* roſe to ſay a very few words. Whatever might be the deciſion of the Houſe that day, he declared he ſhould ever conſider it as an honour to have been thought fit to fill the Chair of that Houſe by perſons of ſuch high character as the noble Lord and the Hon. Gentleman, who had named and ſeconded him. He felt the great importance of the ſituation to which he had been propoſed, and was ſo conſcious of the increaſe of that importance in conſequence of the very delicate and momentous buſineſs in which the Honſe was engaged in the preſent calamitous ſituation of affairs, that he trembled for himſelf, for his inexperience, and his inability to diſcharge the duties of the office; theſe conſiderations, he truſted, would induce the Houſe to turn their eyes to the Hon. Baronet over the way, or to ſome Gentleman more worthy to fill the Chair than he was, and more capable of ſuſtaining the Mr. Grenville.

burthen of official duty, ſincerely aſſuring them, that by ſo doing they would relieve his mind from great anxiety and embarraſſment.

Sir Gilbert Elliott.

Sir *Gilbert Elliott* ſaid, he felt ſincere reſpect and gratitude to the perſons who had done him the honour to name him, and for whom he was proud to confeſs his veneration and regard, even if they had not ſhewn that freſh inſtance of their partiality and kindneſs. The Hon. Gentleman over the way could not feel more deeply than he did, the importance of the office to which his friends had nominated him. He well knew it was the duty of the perſon who ſhould fill the Chair, not merely to preſerve decency and decorum, not merely to look to the order of their proceedings in that Houſe, but to aſſert the privileges of the Houſe, both there and elſewhere; becauſe thoſe privileges were eſſential to the exiſtence of Parliament, and were intimately connected with the liberties, and conſequently with the happineſs of thoſe they repreſented. He felt his own inadequacy too ſenſibly, when he conſidered the high and important duties of the Office; when he conſidered the arduouſneſs of thoſe duties, alſo, as well as the importance of the truſt repoſed in the perſon who filled the Chair, it was enough to make him tremble, eſpecially when he turned his eyes inward upon himſelf and ſaw the monſtrous diſproportion between his own abilities and the ſituation and its difficulties. Surrounded as he was by men of great legal knowledge and experience, he could not think of taking that Chair to which he ſo well knew his own inadequacy to do juſtice; if, therefore, none of thoſe men to whom he had alluded were named, he could aſſure the Hon. Gentleman who had been propoſed, that he ſhould have his moſt ſincere and hearty ſuffrage. Sir Gilbert Elliott paid a few more compliments to Mr. Grenville, in very neat and elegant language, expreſſing his own diffidence and diſtruſt of his abilities.

The ſtrangers were then deſired to withdraw, and the Houſe divided.

Ayes	—	—	215
Noes	—	—	144
Majority		—	71

The

The *Chancellor of the Exchequer* gave notice, that he would the next day open to the Houſe the Reſtrictions which he ſhould propoſe as neceſſary to be annexed to the Regency. Mr. Pitt.

The conſideration on the State of the Nation, was upon the queſtion put, appointed for the next day.

A conference having been deſired by the Lords and held, Mr. Pitt acquainted the Houſe that the Managers for the Commons had met the Managers for the Lords, who acquainted them they had agreed to the Reſolutions ſent up by this Houſe.

Tueſday, January 6.

The Reſtrictions and Limitations thought neceſſary to be annexed to the Regency, having been expected to be ſtated by the *Chancellor of the Exchequer* in the Committee of the whole Houſe, on the ſtate of the Nation, the Houſe was prodigiouſly crouded with Members; above five hundred being preſent at one period of the day. The Chancellor of the Exchequer came in about four o'clock, and waited a ſhort time for Mr. Fox, who came about half an hour afterwards, when the Order of the day was moved, and,

Mr. *Loveden* immediately roſe, and requeſted the attention of the Houſe for a few minutes.—

The SPEAKER begged firſt to ſtate the Queſtion that had been moved, which he accordingly did.

Mr. *Loveden* then roſe again, and began with aſſerting his own independency as a Member of that Houſe; he ſaid, he had ever declared his ſentiments, ſuch as they were, with truth and ſincerity, without a wiſh to court the countenance of party or to ſolicit the favour of power; that what he ſaid in that Houſe, he would abide by, conſidering himſelf as a free Agent, and determined to continue ſo, his maxim being *nullius addictus jurare in verba magiſtri*—he was neither biaſſed by affection for one ſet of men, nor miſled by prejudices againſt another, but acting upon what he conſidered to be a better principle, and a more becoming motive than either ſelf-intereſt or ambition, an honeſt zeal for the good of his country, Mr. Loveden.

country, and the promotion of the public welfare. Before the Houſe proceeded to ſettle the terms and conſiderations of the Regency, he conceived they ought to know exactly where they were, and what the exigency of the caſe really was, the providing for which was to be the object of their deliberations. No Limitations of any kind could be ſuitably adapted, without having reference to the cauſe that created the neceſſity for any; and, therefore, before they went a ſtep further, in his humble judgment, they ought to know preciſely what was the preſent ſtate of his Majeſty's health, what the degree of alteration that it had undergone, ſince his Majeſty's Phyſicians were laſt examined, and whether the probability of his recovery was encreaſed, or leſs than it had been, in the opinion of his Majeſty's Phyſicians at that time. Reports had gone abroad of a very contradictory kind, and the authority of the different Phyſicians who attended his Majeſty, had been made uſe of to give ſanction to thoſe reports. He had that day ſeen a letter from one of the Phyſicians in queſtion, in which the writer fully contradicted the report, in the circulation of which his name had been made uſe of. Reports had alſo gone forth, that the opinions of his Majeſty's Phyſicians were not faithfully communicated to the public; now although that Houſe could not act upon rumour, he thought it highly neceſſary, that the foundation of the reports reſpecting his Majeſty's indiſpoſition ſhould be aſcertained, and that the Houſe, who were entitled to know the truth, ſhould have the whole truth complete before them. With that view it was that he had riſen, and although he did not wiſh to preſs any unneceſſary motion on the Houſe, yet as the Limitations would neceſſarily be governed by the proportion of the probability of his Majeſty's ſpeedy recovery, that important fact ought to be aſcertained, becauſe if his Majeſty's preſent incapacity was but a mere temporary ſuſpenſion of the exerciſe of the Royal Authority, Limitations to a particular extent only, might be proper; but it would have a very different effect on men's minds if the ſuſpenſion was to laſt for any conſiderable length of time, Mr. Loveden concluded with reading a Motion, the purport of which was to ſtate, that various reports having been circulated and different opinions entertained of the State of his Majeſty's Health, it was neceſſary that his Majeſty's Phyſicians ſhould again undergo

undergo an examination touching the ſame, for the information and ſatisfaction of that Houſe.

There being a general cry on the Oppoſition ſide of "*Move! Move!*"

Mr. *Loveden* was about to hand his Motion to the Chair, when

The SPEAKER informed him, that there was a Queſtion already before the Houſe, viz. the Queſtion, "that the Order of the Day be read," which muſt be diſpoſed of before any other queſtion could be entertained by the Houſe.

Mr. *Huſſey* called upon the Speaker from the ſide gallery to know, who had moved the queſtion of the Order of the Day?

The SPEAKER ſaid it was moved by a Right Hon. Gentleman on the bench to the right of the Chair.

The *Chancellor of the Exchequer* (who had moved it) roſe, Mr. Pitt. not he ſaid merely to aſcertain who had moved the Order of the Day, becauſe it was perfectly immaterial who it was that had moved that queſtion, ſince that it had been regularly put from the Chair, was what no man could deny, and therefore the proper way of making room for the Motion of the Right Hon. Gentleman on the other ſide the Houſe, would be to *negative* the Motion then before them. The ſubſtantial queſtion for them to decide was, whether now they were aſſembled, agreeable to full notice, for the purpoſe of going into a Committee, in order to hear the Limitations and Reſtrictions which he ſhould have the honour to ſubmit to the impartial deciſion of the Houſe, or whether they ought to interpoſe this additional delay, in order to ſtop ſhort in their proceedings and wait for further information. As much as he ſhould lament every delay that prevented them from putting Government into a ſituation in which it could act with *energy* and *effect*, [a cry of *hear! hear!*] He ſaid, he wiſhed Gentlemen to hear, and therefore he repeated, that anxious as he was to have the Government put into ſuch a ſituation as ſhould enable it to act with energy and effect, he ſhould nevertheleſs think it better to proceed prudently and properly, though a little more time were loſt, than raſhly and upon inſufficient grounds to riſque an error in a matter of ſo much magnitude and importance.

Before

Before the Houſe, however, conſented to interpoſe any farther delay, it was worth while to conſider what information they had to proceed on already, and whether any farther information were neceſſary or not. The firſt leading fact contained in the Report of his Majeſty's Phyſicians was what that Houſe had already reſolved, viz. that his Majeſty was incapable of meeting his Parliament and attending to public buſineſs. The ſecond Queſtion was, that his Majeſty was likely to recover. Was there any thing to make the proſpect of his Majeſty's recovery leſs probable, or was there any reaſon to enable Gentlemen to ſtate any given period within which it was likely not to take place? Could any Gentleman ſuggeſt, that there were grounds for either of theſe two different opinions, becauſe if neither of theſe points could be ſtated, he muſt for one think that the Houſe had already before them ſufficient information to enable them to proceed, and that they ought to proceed without further delay. All his Majeſty's Phyſicians agreed in the firſt important fact which the Houſe had voted, viz. That his Majeſty was incapable of attending to public buſineſs; and they all ſaid that there was a probability of his recovery, though they could not fix any period of its taking place. But the Houſe knew, that there were thoſe among the Phyſicians, who were moſt converſant with the diſorder with which his Majeſty was afflicted, and who had ſtated what was the longeſt time at which perſons afflicted with the diſorder in queſtion had been cured; and alſo, as far as any thing like an average could be drawn in ſuch caſes, what was the average length of time before a cure could be effected, and thence had ſuggeſted, that, in their opinion, his Majeſty's recovery was, moſt probably, not at any very diſtant period; therefore he conceived the Houſe had ſufficient ground to go upon without further delay, and perſonally feeling extremely deſirous that Government ſhould as ſoon as poſſible be reſtored to its neceſſary energy and effect, on account of the ſituation in which he had the misfortune to be placed, but feeling it ſtill more on account of the public, he owned he was anxious to interpoſe no farther delay, but immediately to go into the Committee agreeable to the Order of the Day, that he might ſtate what he had to ſubmit to the impartial deciſion of the Houſe. If, therefore, no Gentleman could ſuggeſt that any new grounds had

ariſen ſince the laſt examination of his Majeſty's Phyſicians to induce the Houſe to change their opinion on the two important facts reſulting from that examination, he ſhould think it is duty to oppoſe the Motion of the Hon. Gentleman, and contend for the Order of the Day's being then read.

Mr. *Fox* ſaid, though he did not mean to oppoſe the Queſtion for reading the Order of the Day, he was exceedingly glad that the Hon. Gentleman behind him had made the motion that he had ſtated, becauſe he thought the diſcuſſion it had occaſioned, was extremely proper, and becauſe it was undoubtedly neceſſary that they ſhould have ſome preciſe knowledge of the ſtate of his Majeſty's health, previous to their deliberations as to what might, or might not be fit reſtrictions to impoſe on the Regent. The Right Hon. Gentleman over the way, ſeemed to go upon the Report of the Phyſicians, when they were examined by a Committee of that Houſe, and had ſaid, that they all agreed that there was a probability of his Majeſty's recovery, and that at no very diſtant period. It was not neceſſary to enter into any argument as to the preciſion of what the Right Hon. Gentleman had ſtated, but certainly he had not preciſely ſtated the facts as reſulting from the Report of the Examination of his Majeſty's Phyſicians. That they generally agreed that it was probable his Majeſty might recover, was undoubtedly true, but they did not agree as to the period when that recovery might be expected. Dr. Warren, in his mind, not only declared no ſuch thing, but declared a perfect ignorance about it, and had expreſsly ſaid, that he could not give any ſatisfaction on that head whatever. If, therefore, they were to go upon the Order of the Day, they were bound to ſhut their ears to all the reports out of doors, and as the Right Hon. Gentleman had deſired them to confine themſelves to the facts reſulting from the Report on the Table, they ought to do ſo ſtrictly, only keeping on their minds what of courſe would not fail to have its due impreſſion on every Gentleman, viz. that the information they were deſired to proceed on, was information communicated four weeks ago, and that, therefore, they were to conſider that four weeks had elapſed without any alteration whatever in his Majeſty's health. Mr. Fox ſaid, that as ſo many contrary reports in favour of his Majeſty's recovery were in circulation, he

Mr. Fox.

he thought the matter proper to be laid before the Houſe; not that he was much in the habit of paying attention to common reports, in general no man treated them with more contempt; but he had heard that, in another place, a perſon of no inconſiderable authority, his Majeſty's firſt Miniſter, firſt in rank, and by no means laſt in conſequence (he ſaid he meant the Lord Chancellor) had declared that he had grounds to hope ſoon to hear of his Majeſty's recovery. This declaration he could not but conſider as highly improper to be made, becauſe, as on the one hand, if any man ſhould unfortunately have reaſon to entertain the melancholy opinion, that there was no probability of his Majeſty's recovery at all, he ſhould deem it highly improper for ſuch a one to declare his ſentiments; ſo on the other hand, if any man thought he had good reaſon to entertain an opinion that his Majeſty's recovery was near, it appeared to him equally improper for him to declare it, becauſe no man ought to declare his ſentiments either on one ſide of the queſtion or the other, unleſs the grounds upon which thoſe ſentiments reſted, could be made the objects of examination and enquiry, and the facts ſubſtantiated by evidence. Mr. Fox enforced this doctrine by much argument, and talked of the poſſible caſe of certain perſons ſpreading rumours and reports, merely with a view to delude the people by falſe hopes, and induce Gentlemen to vote under an ill-founded preſumption of his Majeſty's recovery, of which there might not in truth exiſt the ſmalleſt probability. Perhaps it would be wiſe, therefore, to ſhut their ears againſt all rumours and reports whatever, and to act merely from the Report of their Committee. In that Report they would ſee, that his Majeſty's Phyſicians had all of them been aſked, whether ſigns of convaleſcence appeared, which was beyond all queſtion a material part of the examination. If no ſigns of convaleſcence had ſince appeared, and none, the phyſicians had all agreed, had then appeared, a new enquiry certainly was not neceſſary. If ſigns of convaleſcence had ſince appeared in his Majeſty, as it had been induſtrioufly rumoured they had, an enquiry was neceſſary; firſt, with reſpect to the fact of thoſe ſigns; and ſecondly, with reſpect to the opinions formed of thoſe ſigns by his Majeſty's Phyſicians. If, on the contrary, the Houſe agreed with the Right Hon. Gentleman they were to abide

by

by the Report of their Committee, and to wave farther enquiry, they would, he truſted, ſhut their ears to every idle report that was abroad, and go only by the papers on the Table.

Mr. *Edwards* roſe to ſpeak of the ſituation of his Majeſty, as deſcribed in the Report of the Committee. He ſaid, that the Phyſicians had not deſired to be underſtood that his Majeſty had afforded ſymptoms of a recovery having began to take place, but that there were previous ſigns of a recovery being likely to take place. This information was given the Houſe four weeks ago, and therefore he was of opinion that a freſh examination ſhould be had, becauſe if four weeks ſince, though there was no ſymptom of an actual recovery, but rather the ſemblance of a ſymptom, it ought to be aſcertained to the Houſe whether the probability of his Majeſty's recovery, had encreaſed or diminiſhed. Some Gentlemen on the other ſide, having laughed when Mr. Edwards uſed the expreſſion, a *ſemblance of a ſymptom*, he declared he had no doubt but thoſe Gentlemen wiſhed by their inſults, to induce him to ſuppreſs his ſentiments, but as he neither courted their favours, nor dreaded their frowns, he would continue to do his duty, and though he ſhould ſit down then, he did ſo merely becauſe he did not wiſh to take up more of the time of the Houſe, but when the great Queſtion of Limitation came, he would very fully ſpeak his ſentiments upon it. Mr. Edwards.

Mr. *Burke* began by taking notice of the Chancellor of the Exchequer's declaration, that he was anxious that the Government ſhould be put in a ſituation to act with energy and effect. He gave the Houſe joy of that declaration, it was the firſt time they had heard of it, and it was well worth their notice. The Houſe would recollect, that when the Report of their Committee was laid upon the table, they were given to underſtand, that the King's illneſs was likely to laſt but a ſhort time, and then, a full month afterwards, they heard that they were exactly in the ſame ſtate of expectance that they had been in when their Report was made. The Right Hon. Gentleman had declared, that they were to go upon that Report as the ground of their proceedings, having no more recent information to go upon. The Right Hon. Gentleman would not ſay the Report of the Houſe of Lords had not been made ſince the Report of that Houſe; the examinaton before the Houſe Mr. Burke.

Houſe of Lords was taken ſince, and taken on oath, which it muſt be allowed gave the Report of the Houſe of Lords more authority, than the Report upon their table could poſſeſs. That Report the Lords had publiſhed for their information, and for the information of the world in general. That Report he held in his hand, and that Report ſaid, that the probability of his Majeſty's recovery was more doubtful than their Report ſtated it to be. Nobody, the Right Hon. Gentleman had ſaid, ought to ſtate facts without ſubſtantiating them, and going into an enquiry. He had taken pains to aſcertain facts, and he was ready, at a proper time, to prove them to the conviction of the Right Hon. Gentleman and of that Houſe. Becauſe he had not been of the Committee he had but little authority, and having but little authority, he had endeavoured to make up for it by information, and therefore he had reſorted to the Report of the Houſe of Lords. In conſequence of his Majeſty's unfortunate illneſs, what infinite calamities had happened to the country, calamities that might be followed by others, unleſs ſpeedily prevented, which he dreaded to think of; the ſooner, therefore, the Government was reſtored to its energy and effect, the better undoubtedly; but then it ought to be really a Government of energy and effect, and not a maimed, crippled, and impotent mockery of Government. In order to aſcertain the fact, however, that his Majeſty's illneſs was not likely to be of ſhort duration, let them turn to the Report printed by the Houſe of Lords. Mr. Burke here read ſeveral queſtions and anſwers from the examination of one of his Majeſty's Phyſicians before the Committee of the Houſe of Lords, the ſubſtance of which queſtions and anſwers was as follow:

"Are there any ſigns of convaleſcence?—None. Since you "was called in to his Majeſty, were there any ſigns?—There "were none. Is there any probability of cure?—It diminiſhes "in proportion as the time of the diſorder's continuance "lengthens."

Here, Mr. Burke ſaid, was a regular ratio to guide the Houſe in forming their judgment; here were ſtrong grounds to govern their opinions by, and if the argument was a true one, there was no fit ground to examine the Phyſicians again. If the laſt anſwer he had read, was to be depended on, and let the Houſe remember

member it was an anſwer delivered by a grave and learned Phyſician on oath, it bound their Speaker, it bound him [Mr. Burke] and it bound every one of them. It was their duty to pay it due attention before they cut and carved the Government, as they would cut out morſels for hounds, rather than imolate it as a ſacrifice to the gods. [Here being a cry of *Hear! Hear!*] Mr. Burke repeated his expreſſion, and ſaid, with the Poet, "It ought to be conſidered as a ſacrifice fit for gods, and not as—a carrion carcaſe, cut for hounds." The Report in his hand expreſsly ſaid, his Majeſty's Recovery was leſs probable, becauſe his illneſs had continued longer. They all knew his Majeſty's illneſs had now continued a full month longer, than when his Majeſty's Phyſicians were examined before a Committee of that Houſe. [The other ſide of the Houſe expreſſing ſome diſguſt at Mr. Burke's mode of reaſoning.] Mr. Burke ſaid, he perceived it was the wiſh of ſome Gentlemen to diſturb him, and prevent his delivering his ſentiments, they had often done ſo with too much ſucceſs before, but he was determined they never ſhould gain their ends again.

Mr. *Baſtard* declared, he thought it immaterial to the purpoſe, which they had all profeſſed to have at heart, to have a further examination of his Majeſty's Phyſicians, before they proceeded to reſtore the Government to its due tone. All he wiſhed was, that proper ſteps might be taken for that purpoſe, without any further delay; nor could he conceive, that it was neceſſary at that moment to inſtitute another enquiry, as to the preſent ſtate of his Majeſty's health. They had already reſolved, his Majeſty was incapable of any public buſineſs, and having done ſo, it was their duty to loſe no time in providing for the exerciſe of the Sovereign Authority thereby interrupted. With that view he had already voted for one of the Reſolutions propoſed by the Right Hon. Genman. With regard to the Regency and the conditions, he had made up his mind upon that ſubject, and was ready to ſtate his opinion whenever it ſhould be properly under their conſideration. He would only ſay, that when a Bill, which he conceived it would be neceſſary to paſs on the occaſion, ſhould be introduced, he truſted proper care would be taken, to provide that the Houſe might receive conſtant information of the ſtate of his Majeſty's health, and from time to time know of his ſituation. There might, Mr. Baſtard

Mr. Baſtard ſaid, be different degrees of illneſs with which it had pleaſed Providence to afflict his Majeſty, but it was no conſequence to him what the degree of his Majeſty's illneſs was, unleſs it could be ſtated that he was capable of attending to buſineſs. He declared, he entertained a very high reſpect for his Hon. Friend who had began the debate, and having no doubt of the purity of his motive in coming forward with the Motion, wiſhed he could have concurred with him in opinion; but as he really thought it would rather tend to create unneceſſary delay, he wiſhed him to withdraw it.

Mr. Vanſittart. Mr. *Vanſittart* begged to know of the Right Hon. Gentleman what was the name of the Phyſician whoſe anſwers he had read from the Report of the Houſe of Lords, and whether the other Phyſicians agreed with him in the opinion that he had ſtated.

Mr. Burke. Mr. *Burke* ſaid, it was the examination of Dr. Warren. [A general cry of *Hear!* from the other ſide of the Houſe.] Mr. Burke immediately took fire, and with great warmth and vehemence ſaid, were their ſchemes ripe, that they ventured thus early to betray their ſentiments? Were they going to build a weak and miſerable machine of Government on that foundation of fraud and falſehood, and calumny? Were they going to rob the firſt Phyſician in this country of his character? He called upon them to ſhew how Dr. Warren was likely to have given a falſe, precipitate, and ill-grounded account of his Majeſty on oath? By their clamour they had furniſhed an unanſwerable argument for freſh enquiry. He knew Dr. Warren, he belonged to a ſociety were the Doctor frequently came, and always found him an inſtructive companion, and had ever heard him conſidered as a man of learning, integrity, and honour, but if he ſhould now find him a deſperate Quack, unſkilled in his profeſſion, and daring enough to deceive the Houſe of Lords, and to deliver an ignorant and unfounded opinion of the ſituation of his Majeſty on oath, he ought to be enabled to aſcertain the fact, and it could be aſcertained by another enquiry, where Dr. Warren might be uncaſed to the eyes of mankind, and expoſed to the contempt and ignominy he deſerved, if the imputation were true. Mr. Burke contended, that a ſudden *cry* was more eloquent than any compoſition of words, becauſe the genuine ſentiment of the ſoul, betrayed itſelf in an involuntary exclamation,

tion, while words were frequently uſed for the purpoſe of concealing mens feelings, and exhibiting a falſe colour for their conduct to the eyes of mankind.

Mr. *Vanſittart* ſaid, the Right Hon. Gentleman had certainly anſwered one part of his requiſition, but he had taken no notice of the other, which was a deſire to know whether the reſt of his Majeſty's Phyſicians concurred in the opinion of Dr. Warren, which the Right Hon. Gentleman had read to the Houſe from the printed Report. Mr. Vanſittart.

Sir *James Johnſtone* declared, he was ſorry that the Right Hon. Gentleman ſhould prevent them from going upon the moſt glorious act that the ſubjects of a free country could perform, namely, the exerciſe of their undoubted right to provide a Government for themſelves, when the natural Government was, through accident, or the unfortunate incapacity of his Majeſty, no longer able to act. Sir James proteſted that he ſpoke his genuine ſentiments, independent of favour, or any motive whatever, but a ſenſe of his duty. He had never been at St. James's ſince the year 1761, nor at Carleton Houſe in his life; but he thought that a man might be a good Member of Parliament, and do his duty in that Houſe, without either cringing at Court, or ſacrificing to the riſing Sun. Beſides, how abſurd was the expectation of thoſe who wiſhed for a further enquiry. Was it ever known that two Phyſicians agreed in opinion in the world! It was impoſſible to make them agree upon any caſe, and therefore it was idle to expect it, for which reaſon he adviſed the Houſe, who were the true Phyſicians of the State, to preſcribe for it without farther delay. Sir James Johnſtone.

Mr. *Loveden* confeſſed, that he had received ſome information from the diſcuſſion, but his mind was not ſatisfied; he was, he ſaid, always happy when he could coincide in opinion with his Hon. Friend [Mr. Baſtard;] but, on this occaſion, his Hon. Friend had declared that his mind was *made up* upon the ſubject, and therefore he wiſhed for no farther enquiry. Upon a ſimilar principle, viz. becauſe his mind not *not* made up upon the ſubject, he wiſhed for farther information to enable him to decide as an honeſt man ought. A variety of contradictory reports were in circulation reſpecting the ſtate of his Majeſty's health, and he could only ſpeak from rumour. In the Houſe of Lords he had heard it declared Mr. Loveden.

clared, that his Majeſty was ſo much better, that there were good grounds to hope for his ſpeedy recovery, He had elſewhere heard directly the contrary; his only wiſh was to come at the truth, and that the Houſe ſhould have the whole truth before them.

Ld. North. Lord *North* ſaid, he roſe to take up but little of their time, but as a ſudden *cry* had burſt forth, when the name of a Phyſician had been mentioned, to whom he confeſſed himſelf greatly indebted, and as that *cry* might be differently interpreted by thoſe without doors from its real meaning, he could not avoid riſing to do juſtice to a character, that might be very materially and very ſeriouſly affected, unleſs ſome explanation were given, to prevent a falſe and injurious impreſſion obtaining. The *cry* to which he alluded, might, like other exclamations of a ſimilar nature, have proceeded merely from the warmth and ardour of Debate; but as it could not be recalled, it might be underſtood, as if the other ſide of the Houſe had reaſon to doubt the ſkill and integrity of Dr. Warren. Now, as he well knew, that Dr. Warren was a Phyſician of great learning, great ability, great honour, and great integrity, for the ſake of Dr. Warren's character, which could not but be materially hurt, if an idea ſhould prevail, that any part of that Houſe thought him capable of giving falſe evidence, or diſguiſing the truth when under an examination on oath, he called upon any one who had the ſmalleſt doubt of Dr. Warren's ſkill and integrity, to ſtate what the grounds were, on which he entertained that doubt. It was fair and candid for thoſe who joined in the *cry* to riſe and juſtify it. If no one ſhould riſe, when thus called upon, he ſhould take the *cry* to have been nothing more than a ſudden burſt of zeal for his Majeſty's recovery, and that Dr. Warren's ſkill was acknowledged to be as undoubted, and his integrity as unimpeached, as if no ſuch cry had been made. His Lordſhip repeated, that he knew Dr. Warren to be an able, a learned, and an honeſt man, and that every thing was due to evidence given by ſuch authority.

Mr. Pitt. The *Chancellor of the Exchequer* roſe immediately, and there being ſome objection made by the Oppoſition ſide of the Houſe, he ſaid, that having before explained on what grounds it was that he objected to the Motion, and as the greateſt part of the Debate that enſued, had conſiſted either of comments on what fallen from him,

or

or of matter directed perſonally to him, it would not, he conceived, be conſidered as any violent infringement of the Orders of the Houſe, if he wiſhed to ſpeak a ſecond time. He did not riſe, he ſaid, to ſpeak of the character or ſkill of Dr. Warren, his general ſkill as a Phyſician was generally known and acknowledged; but with reſpect to the particular diſorder with which his Majeſty was afflicted, his ſkill was comparatively little, conſidered or compared to that of thoſe phyſicians who had made that diſorder their peculiar object of attention; and in ſaying this, he begged the Houſe to know that he ſpoke from undoubted authority, the authority of Dr. Warren himſelf, who in his examination told them, that he always thought it neceſſary to call in and conſult others more experienced in that ſpecies of practice than himſelf. He repeated, therefore, his objection to any unneceſſary delay, but after the very extraordinary footing upon which what he had before ſaid had been placed, it became, in his mind, unavoidable that ſome farther enquiry ſhould be gone into. He had ſaid, that the Report gave them ample grounds for proceeding, and then a Right Hon. Gentleman had got up, and told the Houſe they were to conſider the probability of his Majeſty's recovery to ſtand exactly as it did four weeks ago, with this difference, that the probability of his Majeſty's recovery was the more diſtant becauſe a month had elapſed ſince it had been declared; to that opinion he could not accede; but if the Right Hon. Gentleman thought it a conceſſion, becauſe he did not wiſh for any farther examination, he was welcome ſo to conſider it. To the beſt of his belief, the very reverſe of the Hon. Gentleman's inference was the fact; and when he made ſuch a declaration, from the ſituation in which he ſtood, he could not be ſuppoſed to ſpeak wholly without information, when he declared, what he knew induced him to make this ſuggeſtion to the Houſe. With regard to their future proceeding, he thought the grounds afforded by the Report of the Examination of Majeſty's Phyſicians ample; and that the two facts to which he had before alluded, were ſufficient to juſtify all that he had to propoſe to the Committee; but when he found, under the pretence of ſuppoſing that no alteration had taken place in his Majeſty's health in the courſe of the paſt month, ſtated in ſuch a way as to extort from him, what he had juſt ſaid, and which he had cautiouſly avoided

in his former ſpeech, from a conviction that the Houſe could not proceed upon private opinions delivered, or encomiums paſſed by others on particular characters, but muſt have the grounds of thoſe opinions, and the truth of thoſe encomiums ſubſtantiated by an enquiry, he was of neceſſity compelled to agree to that enquiry. He begged to be allowed to remark a little on the ſituation in which they were diſcuſſing the ſubject. The noble Lord over the way had talked of the ardour and warmth common to debate; he was ready to admit, that to debates on political queſtions, where men were governed by their partiality (and he meant a laudable partiality to one ſet of men over another) from perſuaſion that their political ſyſtem was wiſer, they might ſhew a degree of ardour, and occaſionally betray warmth, but in the preſent diſcuſſion there could be no difference of opinion, becauſe there could be but one wiſh; he could not, therefore, but moſt ſeriouſly lament the degree of warmth that had been uſed where nothing like violence ought to have characterized their diſcuſſion. He could not but lament in particular, that the Right Hon. Gentleman over againſt him had done himſelf ſo much injury as to have betrayed a degree of warmth that ſeemed to have ariſen from his entertaining wiſhes different from thoſe of the reſt of the Houſe. If the Right Hon. Gentleman had diſcovered, that the evidence of the Houſe of Commons was not enough to proceed on, and that the Report of the Lords was neceſſary to be recurred to, and if the Right Hon. Gentleman felt the impropriety of delay, was it fair, was it candid, that an argument ſhould be ſtated on thoſe grounds for further enquiry, and the Report of the Houſe of Lords ſhould be quoted, without once ſtating to the Houſe, that the Report was a Report delivered and printed by the Houſe of Lords nearly a month ago? Having ironically remarked on the great emphaſis which Mr. Burke had laid on this circumſtance, he ſaid, contrary to his own opinion as to the neceſſity, and merely to prevent the Houſe from doing what he conſidered as totally irregular and improper, namely, the proceeding to act upon the private opinions of any man, when the grounds of thoſe opinions could be ſubſtantiated; he felt himſelf reduced to the neceſſity of agreeing to a further enquiry; but the Houſe, he conceived, would inſtitute the enquiry by a Motion more generally expreſſed than that of the Right Hon. Gentleman,

and

and that they would, from motives of delicacy, proceed as before by a Select Committeee, who might, he hoped, finiſh their examination in half a day, or little more; and, as the Houſe might content themſelves with having the Report (which would, he ſuppoſed, be a ſhort one) read without waiting for its being printed, he hoped they would not loſe more than a day or two at fartheſt. Upon theſe grounds, he ſhould be happy to withdraw the Queſtion of the Order of the Day, wiſhing, however, that they might not miſtake the principles on which it was that he did ſo.

Mr. *Burke* in reply ſaid, he always thought it neceſſary to ſtand upon his guard when that Right Hon. Gentleman undertook his defence. The Right Hon. Gentleman not being able to do any thing by reaſoning, had fallen upon his motives inſtead of his arguments, well knowing that it was a ſafer mode of attack, becauſe every man could judge of the juſtice of the one, though no one could poſſibly gueſs at the truth of the other, and therefore the Right Hon. Gentleman had judged him from the motives within his own breaſt. There was, however, ſo much of malice in the Right Hon. Gentleman's compaſſion, and ſo much of cenſure in his lamentations, that he hoped the Right Hon. Gentleman would be ſo good as to ſpare his pity, and leave him out of his lamentations for the future. After a preface to this effect, Mr. Burke, in anſwer to Mr. Vanſittart's queſtion, whether the other Phyſicians concurred in opinion with Dr. Warren, read ſome extracts from Sir George Baker's examination. He then took notice of Mr. Pitt's ſarcaſm about the tone and emphaſis with which he had mentioned the circumſtance of the Lords Report being a month old, and contended, that if the Right Hon. Gentleman preſcribed the mode of examination of the Phyſicians, the Houſe never would come at the truth, becauſe if learned men were to examined by ignorant men, the ignorance of the latter rendered the learning of the former of no avail, it being impoſſible for thoſe who were moſt knowing in a difficult profeſſion, to put ſuch queſtions to knowing men, as ſhould extract the neceſſary information, which could only be got at, by ſuffering the learned to diſcourſe at large, and as they thought proper of themſelves, and then to extract and collect from the whole of their diſcourſe what was matter of neceſſary information. If there was a difference of opinion among

Mr. Burke.

his Majeſty's Phyſicians, why was not Dr. Monro called in? The keeper of one mad-houſe ought to be ſet againſt the keeper of another, and by the oppoſition they would come at the truth. He knew that Dr. Monro was to that day conſulted by the firſt Phyſicians in exiſtence. The Right Hon. Gentleman had called for good grounds to be ſhewn, why opinions were entertained that his Majeſty's recovery was more improbable than it had been four weeks ſince; he in like manner called upon the Right Hon. Gentleman to ſhew what grounds there were for the opinion he entertained of there exiſting a greater probability of his Majeſty's recovery now than there exiſted then. The Right Hon. Gentleman had forced him to ſay ſomething from his having thrown out a moſt malignant and unmerited imputation. To charge him with not wiſhing his Majeſty to recover, was as foul an aſperſion as could have come from the loweſt man in that Houſe; and he, Mr. Burke ſaid, ſhould be the laſt free-man in it, if he ſuffered himſelf, at any time, to be *brow beaten* by that Right Hon. Gentleman. The Right Hon. Gentleman was fond of throwing about his treaſons and his ill-wiſhes, he never would tamely ſubmit to either. With regard to any warmth that he had betrayed, he had not let a word eſcape him that he ſhould be aſhamed to have recorded. His voice was weak, and therefore he was forced to raiſe and exert it, but it did not follow that he was in a paſſion; he might ſay, with one of the Ancients, who had been charged with being in a paſſion, "let my pulſe be felt, and ſee if it does not beat temperately?" When he ſpoke of a fact without being ready to adduce any authority for it; then let him be arraigned by the Right Hon. Gentleman, and bad motives be aſcribed to him. He hoped to meet with judges more favourable than to judge him from imputed wiſhes, when he had argued from authentic information. When he fled from inquiry, then let the Hon. Gentleman aim his envenomed ſhafts at him. He was ready to go into a full and free enquiry at the bar, there he could do juſtice to himſelf, but not in a Committee. Let Dr. Warren be placed againſt another eminent Phyſician, and a keeper of a mad-houſe, with thirty patients, againſt the keeper of a mad-houſe with three hundred, and by that means the Houſe would obtain real information.

Mr.

Mr. *Rolle* roſe to obſerve, that all the blame imputable to the introduction of the name of one of his Majeſty's Phyſicians that day, was imputable to the other ſide of the Houſe, and not to thoſe on the ſide on which he was, for that Dr. Warren's name had been firſt mentioned by the Right Hon. Gentleman himſelf. Mr. Rolle.

Mr. *Pulteney* declared himſelf ſorry, that ſo much warmth had been ſhewn in the Debate; he owned he was deſirous of calling back the Houſe to a proper degree of temper, and was againſt withdrawing the Queſtion for the Order of the Day. He conſidered both ſides of the Houſe had been drawn from their object merely by warmth, and that they had thence forgot how much the country had already ſuffered, and was daily ſuffering by delay. If any man were to ſay that it was impoſſible for his Majeſty to recover, that would be a ground for farther enquiry; or if any man were to ſay that his Majeſty was capable of doing public buſineſs, that alſo would be a ground for enquiry, but neither of thoſe things were ſaid. Between the two there might be many ſhades of difference, but the Houſe had no occaſion to meddle with any one of them, and therefore he was againſt the ſuffering the Motion to be withdrawn. Mr. Pulteney.

Mr. *Fox* ſaid, he did not wonder that the Hon. Gentleman who ſpoke laſt ſhould have objected againſt withdrawing the Queſtion of the Order of the Day. That Hon. Gentleman had, he believed, not been a conſiderable time in this country, and therefore he muſt be a ſtranger to the various rumours and reports that had been circulated. Had he known as much of thoſe reports as he did, the Hon. Gentleman would, he had no doubt, have thought the propoſed enquiry abſolutely neceſſary. With regard to the two propoſitions that the Hon. Gentleman referred to, they were pretty nearly the words he had himſelf uſed on the firſt day that the ſubject had been mentioned in that Houſe. He had then ſaid, that all his Majeſty's Phyſicians had declared themſelves clearly and deciſively of opinion, that his Majeſty was incapable of meeting his Parliament, and of doing public buſineſs; but that his recovery was probable, though no one of them could ſay, when his recovery was likely to take place. Agreeing, therefore, that his Majeſty might recover, and if the probability be that he would recover ſoon, that they muſt ſubmit for a ſhort time to a weak Mr. Fox.

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Government, or elſe do an injury to his Majeſty when the time ſhould arrive for him to reſume his Prerogatives. If that be the argument, ſtill he ſhould contend that it was neceſſary for them to proceed to learn when his Majeſty's recovery was likely to take place; for his part, he had not the leaſt doubt of the hopeleſſneſs of the caſe. Before he ſat down, Mr. Fox ſaid, he ſhould take notice of what had fallen from the Right Hon. Gentleman over the way, and enter his proteſt againſt what muſt, if continued, inevitably end in putting a ſtop to all freedom of Debate in that Houſe. The Right Hon. Gentleman had talked of warmth and ſaid, it was allowable, when the political intereſts of parties were at ſtake, but not then; that therefore his Hon. Friend had ſpoke from his wiſhes. If ſuch attempts to impute unbecoming motives to Members for their arguments were made, unaccompanied with any one reaſon in anſwer to thoſe arguments, it was enough to fire any man with indignation; he made no ſcruple to confeſs that he felt equal warmth with his Right Hon. Friend, as much warmth as he had ever felt on any political queſtion—not from a wiſh that his Majeſty might not recover, he ſincerely wiſhed that he might; but from what was more ſtrong in his mind even than the ſatisfaction that muſt reſult from his knowing that his Majeſty was reſtored to his health, from his deſire that the people ſhould be acquainted with the truth.—In ſuch a cauſe he was not aſhamed to confeſs himſelf warm, and to avow his deſire and his determination to reſiſt an attempt to deceive an affectionate people, and to prevent that Houſe from being deluded, under falſe pretences, into a mode of Government that would ſacrifice the Conſtitution. In ſuch a cauſe he felt a warmth ſuperior even to his attachment to Majeſty, ſuperior to the love and loyalty a ſubject owed his Sovereign, an attachment founded in the love of a man of honour to truth, and in his deteſtation of falſehood. With regard to the manner in which the *cry* had been given from the other ſide, when Dr. Warren's name had been mentioned, it was impoſſible for the friends of that Gentleman, and for every man feeling like a Gentleman, not to feel contempt. A Phyſician's eminence, above all other profeſſions whatever, ſtood upon the moſt ſecure and certain footing; no man employed a Phyſician from favour; no man employed a Phyſician, becauſe he was of his party, nor be-

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cauſe he had given him his intereſt at an election: but they truſted their health in his hands, becauſe he was known to poſſeſs ſuperior ſkill, and on that account alone. He would believe that the great perſonage before alluded to by him, the Lord Chancellor, had an ill opinion of Dr. Warren, when he ſhould hear that the learned Lord truſted his health, when he ſhould next have the misfortune to be ill, in any other hands. Theſe were not encomiums, but facts. It was the confidence with which people of the moſt exalted ranks truſted their health in Dr. Warren's hands, that made him ſo unuſually eminent as a Phyſician. The *cry*, therefore, if it meant any thing, muſt have been meant to convey an inſinuation againſt Dr. Warren's integrity; but as the opinion of Dr. Warren's ſkill never could riſe, ſo no more could the opinion of his integrity riſe, though his integrity undoubtedly equalled his ſkill. The Right Hon. Gentleman had been pleaſed to ſay, that he thought that the probability of his Majeſty's recovery was greater than before, and he had ſaid, that he had been provoked to declare that to be his private opinion. I will not be provoked, ſaid Mr. Fox, to declare any private opinion of mine to the contrary, nor will I aſſent to that of the Right Hon. Gentleman; but if the Houſe were to proceed on ſhades of difference of opinion, as to the probability of his Majeſty's recovery, which he thought extremely abſurd, he ſhould ſtill contend, that the enquiry ſhould be as free and open as poſſible. Mr. Fox concluded with calling on Mr. Pulteney to withdraw his motion.

Mr. *Pulteney* ſaid he meant to divide the Houſe, declaring that it was not likely that all his Majeſty's Phyſicians ſhould decide alike, and therefore, as he conſidered the propoſed Enquiry to be nothing more than a deſign to delay, he would take the ſenſe of the Houſe on the Queſtion of the Order of the Day. Mr. Pulteney.

Mr. *Sheridan* roſe to remind the Right Hon. Gentleman, that he was bound by his own words to ſubmit to the propoſed Enquiry, ſince he had declared, that if any Member aſſerted, that there was a greater probability of the recovery of his Majeſty ſooner than there had been when the Phyſicians were laſt examined, the Houſe ought to proceed to another examination; now the Right Hon. Gentleman ſtood exactly in that ſituation himſelf, having declared, that he had, from what he knew, reaſon to believe that his Majeſty's Mr. Sheridan.

jeſty's ſpeedy recovery was more probable than it had been, and he had alſo declared that his opinion had been extorted from him. Mr. Sheridan added a few words to prove how material it was that the Phyſicians characters ſhould be ſacred; employed as they were about his Majeſty, and not in any ordinary caſe, the public had an intereſt in their characters, and on that depended all the proceedings that they were about to deliberate upon in that Houſe.

Mr. Pitt. The *Chancellor of the Exchequer* obſerved, that after what had paſſed, he ſhould be in the ſingular predicament of feeling himſelf obliged to vote againſt his own Motion, and he owned he ſhould do it with the greater reluctance, as he ſhould have the misfortune to differ from the Hon. Gentleman under the gallery, who he had hoped would have waved his objection to the withdrawing of the Queſtion of the Order of the Day. He objected to Mr. Sheridan's repreſentation of what he had ſaid as being quite correct; he had not in his former argument declared, that if any Member could aſſert that he had reaſon to believe his Majeſty's ſpeedy recovery more probable than it was, that the Houſe ought to proceed to another enquiry; but he believed he had ſaid, that if any Member could aſſert or ſuggeſt, that he had good reaſon to think that his Majeſty would not recover, or that he would recover in any given time, in either caſe he ſhould think a new enquiry neceſſary. The Chancellor of the Exchequer ſaid, he could not help remarking the extraordinary way in which the Right Hon. Gentleman had choſen to ſay *nothing* as to his private opinion of the probability of his Majeſty's ſpeedy recovery, or otherwiſe, when at the ſame time he had argued, that they were to conſider the probability of his Majeſty's recovery, juſt exactly as it ſtood when the Report had been made four weeks ago, adding to it the recollection, that it was now four weeks ſince the Report was made. This was the neweſt way of *ſaying nothing* that he had ever experienced. He declared he would not retract any thing he had ever ſaid in that Houſe, but if the Examination were ordered, he conceived it muſt not be at the Bar, but by a Select Committee, on account of delicacy, and every other conſideration. He added, that he was in hopes the Committee, before they left the Houſe that evening, would be able to iſſue their ſummonſes, and proceed to the Examination

mination the next day, ſo that as little time as poſſible might be loſt.

Mr. *Fox* ſaid, the Right Hon. Gentleman ſeemed to accuſe him of diſingenuouſneſs. He had ſaid nothing but that the ground of the probability of his Majeſty's recovery muſt be drawn from the papers before the Houſe, unleſs a new enquiry was gone into. He had given no opinion of his own as to the preſent ſtate of his Majeſty's health, nor ſhould the Right Hon. Gent'eman extort one from him. Mr. Fox.

Sir *Peter Burrell* ſaid, he ſpoke but ſeldom in that Houſe, but that he always delivered his genuine ſentiments. His opinion was, that an Examination of the Phyſicians again was abſolutely neceſſary; but that it ought to be an Examination at the Bar of that Houſe, and not before a Select Committee. By that means the Reports that were abroad would be effectually and entirely done away; which would not be the caſe with an examination in a corner, with which he was perſuaded the public would not be ſatisfied. Sir Peter was of opinion, that no Member of that Houſe would put an indecent or an indelicate queſtion to the Phyſicians; and, if it was by accident propoſed, the Houſe could eaſily guard againſt and prevent it. Sir Peter Burrell.

Mr. *Pulteney* ſaid, if the Examination of the Phyſicians were to take but a ſingle day or two, he might not, poſſibly, continue his objection to withdrawing the Queſtion of the Order of the Day; but if it were to be an Examination at the Bar of the Houſe, the Examination would not be gone through in a week, and then the delay would be ſerious indeed. Mr. Pulteney.

Mr. *Sumner* thought terming an Examination before a Select Committee appointed by that Houſe *doing buſineſs in a corner*, was a reflection on the Gentlemen who had ſerved on the laſt Committee; and that an Examination at the Bar of the Houſe would, in his mind, lead to endleſs debate and delay. Mr. Sumner

Mr. *Vyner* ſaid, he had the honour to be on the laſt Committee, and he conſidered what had been ſaid as no reflection on himſelf, or any Member of that Committee, in which he would do the Right Hon. Gentleman the juſtice to ſay every thing was done regularly, ſatisfactorily to all the Members, with their unanimous approbation, and with the ſtricteſt regard to niceneſs and every thing of that kind; but as the Report of that Committee had not Mr. Vyner.

appeared

appeared to have given compleat ſatisfaction to the public at large, he was for going into an Examination in the moſt public manner, and felt it not to be any ſort of reflection on him, or the Gentlemen of the former Committee.

The ſtrangers were here deſired to withdraw, and at length Mr. *Pulteney* waved his objection, and the Queſtion of the Order of the Day was withdrawn.

Mr. Pitt. The *Chancellor of the Exchequer* then moved,

"That a Committee be appointed to examine the Phyſicians "who have attended his Majeſty touching the State of his Ma- "jeſty's Health, and that they do report the ſame to the Houſe."

Mr. Sheridan. Mr. *Sheridan* moved, by way of Amendment, to inſert theſe words, after the word "appointed,"

"To enquire into the preſent ſtate of his Majeſty's malady, and "the probability of a ſpeedy recovery; and that they have power "to ſend for ſuch perſons who may give the Committee the re- "quiſite information."

This occaſioned a long debate, in which the *Chancellor of the Exchequer*, Mr. *Fox*, Mr. *Burke*, Mr. *Wyndham*, Mr. *Sheridan*, Mr. *Edwards*, Mr. *Vyner*, the *Attorney General*, Mr. *Rolle*, Mr. *Martin*, and other Gentlemen, took part.

At Half after Eight the Houſe divided,

Ayes (for the original Motion) -	221
Noes - - - -	141
Majority againſt the Amendment -	80

The main queſtion was then put and agreed to.

Tueſday, January 12.

COLCHESTER ELECTION.

Sir Robert Smyth. The Speaker took the Chair about four o'clock, and Sir *Robert Smyth* immediately roſe, and ſaid, he had a Petition to preſent from the Electors of Colcheſter, but as he ſaw the Houſe was rather thin, and the ſubject of the Petition might poſſibly occaſion a good deal of diſcuſſion, he would merely give notice of the contents of the Petition, and move it on Wedneſday. Sir Robert then read the Petition, which alledged, that Sir Edmund Affleck died on the

19th

19th of November laſt; that his death occaſioned a vacancy for Colcheſter; that a Writ was iſſued for the choice of a Repreſentative for that Borough in December laſt; that George Jackſon and George Tierney, Eſqrs. became Candidates; that the Returning Officer having proceeded to an Election, had, on the cloſe of the Poll, declared the numbers of the votes on each ſide to be equal, and made his return accordingly to that Houſe. The Petition afterwards obſerved upon the inconvenience reſulting to a town of ſo much trade as Colcheſter, from the circumſtance of remaining unrepreſented for two months, and during the agitation of queſtions of ſo much critical moment and importance, as had for ſome weeks paſt engaged the attention of the Houſe, and ſtated, that the electors who had voted for George Tierney, Eſq; had no doubt but that in due time they ſhould be able to eſtabliſh the fact, that Mr. Tierney had the majority of good votes, to the ſatisfaction and conviction of a Committee of that Houſe; and therefore prayed the Houſe to take ſuch meaſures, as to their wiſdom ſhould ſeem fit, to prevent the town of Colcheſter from any longer remaining unrepreſented.

Mr. *Dempſter* ſaid, he had never been able to reconcile it to his ideas of the conſtitution, that the Houſe, under its preſent circumſtances, could even go the length of iſſuing a writ for the choice of a Repreſentative for a vacant borough, or take any one ſtep whatever of a Parliamentary nature, before they had the third Eſtate reſtored, and were made a regular Houſe of Parliament. In his opinion the ancient practice was preferable. He thought the reſtoring of the conſtitution to its complete form, the preliminary ſtep to be taken before they proceeded to the exerciſe of any of their individual functions as one branch of the Legiſlature, and therefore he hoped the Hon. Baronet would wave his intention of preſenting the Petition he had read on Wedneſday next, and not urge the Houſe to proceed further, than the length they had already gone, of iſſuing writs. Mr. Dempſter.

REPORT OF THE COMMITTEE.

The Houſe waited till five o'clock in expectation of the Committee appointed to examine his Majeſty's Phyſicians being able to complete

complete their Report, and preſent it that day, but it appearing that the hope was fruitleſs,

Mr. Vyner. Mr. *Vyner* roſe and ſaid, it was with reluctance that he ſtood up to make the Motion, that he found himſelf under the neceſſity of offering to the Houſe, but although the Committee above ſtairs had applied themſelves moſt aſſiduouſly to the object of their appointment, and had exerted every endeavour to expedite the completion of their Report, they had found ſo much new work upon their hands, and that of too great importance to be paſſed over, that it had as yet been out of their power to finiſh their buſineſs, and therefore they found themſelves obliged either to be guilty of the very groſs irregularity of making a Report in part only, or of deſiring the Houſe to wait another day, by which time they thought they ſhould be able to conclude their Examination, and make their Report whole and entire; what he had therefore to propoſe to the Houſe was, that they ſhould adjourn to the next day.

The Queſtion of Adjournment having been put from the Chair, the ſame was agreed to.

Mr. Pitt. At that moment the Chancellor of the Exchequer entered the Houſe, and deſired to be heard a few words before the Houſe ſeparated; a cry of *Places! Places!* being called, ſome Gentlemen ſaid, *there is no Speaker in the Chair* (Mr. Grenville having left it as ſoon as the Queſtion of Adjournment was carried) the *Chancellor of the Exchequer* then ſaid, as his object was to ſave Gentlemen trouble, he hoped they would excuſe a little diſorder; that he had not been able to get down ſooner, having but that moment left the Chair of the Committee. As the Report, from the circumſtances that had occurred during the Examination, would be conſiderably longer than had been at firſt expected, the Chancellor of the Exchequer informed all the Members preſent, that had the Houſe been ſitting, it was his intention to have moved to diſcharge the order for the Houſe to reſolve itſelf into a Committee of the whole Houſe on the State of the Nation on Wedneſday, and to have moved it for Thurſday, which was as early as the Report could reaſonably be expected to be printed, and Gentlemen to have read it. No perſon, he ſaid, could be more anxious and impatient than he was, on every account, to go into the Committee on the State of the Nation, and proceed to

take the other neceſſary ſteps for reſtoring the Government to its due ſhare of energy and vigour, but as the delay of a day was, under the circumſtance he had mentioned, abſolutely unavoidable, he hoped what he had then ſaid, however irregularly introduced, would be conſidered as a notice that he ſhould the next day, move to diſcharge the Order of the day for Wedneſday, and move it for Thurſday.

The Houſe immediately ſeparated.

Friday, January 16.

COLCHESTER PETITION.

Sir *Robert Smyth* roſe to call the attention of the Houſe to the Colcheſter Election Petition, which he read over in like manner as he had done laſt Monday. Sir Robert ſaid, he was aware that there muſt be ſome ſmall irregularity in the Houſe's proceeding to notice the Petition, but as they had iſſued Writs, choſen a Speaker, and exerciſed other important functions, he ſaw no reaſon for their ſtopping ſhort, and refuſing to take into conſideration a complaint of an improper return upon an Election, by the means of which ſo conſiderable a town as that of Colcheſter, and a town ſo reſpectable on account of its trade, manufacture, and commerce, had remained miſrepreſented during the whole time that the late very important ſubjects of diſcuſſion had been under agitation; and Sir Robert ſaid, he rather hoped no objection would be made to receiving the Petition, as on the day when a doubt had been ſtarted, whether under the preſent circumſtances of the Houſe, the Speaker ought to iſſue his Writ to chuſe a Repreſentative for a vacant Borough, a Right Hon. Gentleman oppoſite to him had adviſed, that the Speaker might iſſue his Writ, and expreſſed an anxiety that during the agitation of queſtions ſo new, critical, and important in their nature, as full a repreſentation of the people in that Houſe might be had as poſſible. Sir Robert ſaid, the ſubject would juſtify a good deal of diſcuſſion, but as other matter of infinite magnitude was expected to occupy the Sir Robert Smyth.

attention of the Houſe that day, reſpecting which the public curioſity was extremely impatient, he would not intrude further on the time of that Houſe, but wiſhing to ſhorten rather than protract the buſineſs, would ſay no more but barely move for leave to bring up the Petition.

Mr. Dempſter. Mr. *Dempſter* ſaid, he had on a former day begged the Hon. Baronet to wave his intention of agitating the Petition at preſent, being one of thoſe who were of opinion that the Houſe had no power to do any one matter of buſineſs under the preſent circumſtances, other than what the neceſſity of the caſe abſolutely required.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, as the day was ſet apart for other, and very important buſineſs, reſpecting which, the impatience of the public and of that Houſe was urgent, he ſhould not waſte much time on the preſent ſubject. It appeared to him that the manner in which the Petition was brought forward was different from that in which Petitions in caſes of Election were generally introduced, which of itſelf was ſufficient to ſhew that the caſe was new. In general, Petitions complaining of undue Elections, falſe returns, &c. were brought and laid upon the Table within fourteen days of the opening of the Seſſion in conſequence of an Order of the Houſe. At preſent it was notorious that the Houſe had made no ſuch order, the Seſſion not having been regularly opened, and therefore the Hon. Baronet, he preſumed, had moved for leave to bring up the Petition. The Hon. Baronet, he obſerved, had ſtated that a doubt being ſtarted as to the propriety of the Speaker's iſſuing his Writ for the election of a Repreſentative of a vacant Borough, he had ariſen and declared his wiſh to have the repreſentation of the people in that Houſe as full and as complete as poſſible during the agitation and diſcuſſion of thoſe very critical and important queſtions that the exigency of the times unfortunately gave riſe to; the fact undoubtedly was ſo, and he ſtill entertained the ſame opinion, and was extremely anxious that the Repreſentation of the People ſhould be as complete as poſſible; but though he was very ready to take every proper ſtep towards that end, yet as the other buſineſs of the day preſſed exceedingly, without meaning to decide at all upon the Queſtion that had been moved, he thought the moſt adviſeable thing for

the Houſe to do, would be, to adjourn the Debate upon it, till Monday next, by which means Gentlemen would have time to look into Mr. Grenville's Bill, and make up their minds as to the ſteps moſt proper to be taken on the ſubject of the Petition.

Sir *Robert Smyth* ſaid, he ſhould be ſorry to treſpaſs on the time of the Houſe, when other important buſineſs demanded their attention; but as the town of Colcheſter was ſo reſpectable in every point of view, he thought its remaining unrepreſented while ſuch critical conſtitutional queſtions were daily agitating in that Houſe, a matter of ſerious moment, and had therefore felt it his duty to apprize the Houſe of the fact, and ſubmit the Petition he had read, to their wiſdom and judgment. With regard to the Motion of the Right Hon. Gentleman, he ſhould not object to it. Sir Robert Smyth.

The Motion was put and carried.

STATE OF THE NATION.

The *Chancellor of the Exchequer* having moved that the Order of the Day be read for the Houſe to reſolve itſelf into a Committee on the State of the Nation, the ſame was read accordingly with the Order for referring the ſeveral Reports that had been brought up and read, to the Committee; the Speaker left the Chair, and Brooke Watſon, Eſq. took his ſeat at the Table.

The *Chancellor of the Exchequer* then roſe again, and after lamenting the peculiar circumſtances of the country, which called upon them to exerciſe a Right that had devolved on them in conſequence of the melancholy ſituation of his Majeſty, which rendered him incapable of exerciſing the Royal Authority, ſaid it was their duty to provide the means of ſupplying the deficiency, but in doing ſo he truſted it muſt be the wiſh of every Gentleman, that they ſhould proceed in the manner the beſt calculated to give general ſatisfaction, and the moſt likely to ſecure the approbation of the people, which he had the happineſs to know had generally attended every ſtep they had hitherto taken. He ſincerely wiſhed, that every thing he ſhould have the honour to propoſe, might be fully diſcuſſed and fairly decided upon, that the nature of the caſe, the general principles on which they ought to proceed, and the application of thoſe principles might be clearly and diſtinctly traced out. In ſo doing they would be beſt enabled to meet the Mr. Pitt.

emergency that called upon them, and provide for the defect of the perſonal exerciſe of the Royal Authority. The buſineſs of the Committee lay in a very narrow compaſs, notwithſtanding the voluminous reports upon the Table. In the Report laſt delivered, there was abundant matter of confirmation to him, of the propriety and prudence of thoſe meaſures which he was, as the Committee were aware, prepared to have propoſed to them nearly ten days ago. But though there was much material information in that Report, there was no difference, in his opinion, in the ground of what he had to offer; but that on the former day, as well as the preſent, the Committee had more information before them than enough to bear out all that he ſhould ſubmit to their conſideration. Had he, on the former day, had to have ſtated the ground on which he intended to have built his proceeding, he ſhould have ſtated it thus: "that his Majeſty was incapable of meeting his Parliament, or attending to public buſineſs; that the unanimous opinion of his Phyſicians was, that his Majeſty's recovery was more probable than the contrary; and that all the Phyſicians agreed, that it was impoſſible to aſcertain when that ſo much wiſhed-for event might take place, but that thoſe who were more immediately converſant with the diſorder with which his Majeſty was afflicted, had declared that the majority were cured, and that one of the Phyſicians, the moſt converſant of any, had ſtated, that the greateſt length he had ever known the diſorder to continue, was a year and a half or two years; that the ſhorteſt was three months, and the average five or ſix months." In ſaying even that he ſhould have ſaid more than was neceſſary for any argument on the principle on which he went. What they had to provide for therefore, was an interval only, and he flattered himſelf it would prove but a ſhort one; if, however, unfortunately his Majeſty's Illneſs ſhould be protracted, they might leave it to Parliament to do what was at preſent clearly unneceſſary, viz. to conſider of a more permanent plan of Government. If they conſidered that the diſorder was not in itſelf incurable, any man muſt think, that the proviſions ought not to be permanent. He recapitulated what had paſſed on the ſubject on Tueſday ſe'nnight, and the line of argument that had been taken, which rendered it impoſſible for him to avoid giving way to a more narrow and minute enquiry, than had

before

before taken place; and however he might feel pain on account of ſomething that had paſſed in the Committee, he could not upon the whole but rejoice that he had given way, as it now appeared that the argument on which the Right Honourable Gentleman over againſt him had relied, viz. that becauſe a month had elapſed ſince the former enquiry, that his Majeſty's cure was to be conſidered as the more improbable, was not grounded; ſince, however much the Phyſicians diſagreed in other points, they were unanimous, that the probability of the cure reſted preciſely on the ſame grounds as before, a circumſtance which, he was perſuaded, would give as much pleaſure to the Right Honourable Gentleman as it had done to himſelf. With regard to the difference of opinion between the Phyſicians, as to the proſpect of a recovery, it appeared to him to depend on two circumſtances, by which it could be decided on whoſe opinion the greateſt reliance ought to be placed, viz. the knowledge of the malady in general, or the knowledge of the particular caſe of the patient. Three of his Majeſty's Phyſicians had been converſant with the malady. Two others, who though not ſo converſant, are well acquainted with his Majeſty's habits. Theſe two (Sir George Baker and Dr. Warren) attend his Majeſty for two hours each day, the three others from evening till eleven in the forenoon; now it was natural for thoſe who attended his Majeſty moſt, to be the beſt judges of his ſituation, and it was remarkable that Dr. Warren and Sir George Baker were the leaſt confident of a cure, and the other Doctors more ſo; but Dr. Willis who attended his Majeſty more than any of the others, was more ſanguine than them all. Sir Lucas Pepys ſtates circumſtances that do not amount to a certainty of a cure, but which prove an abatement of his Majeſty's diſorder. Dr. Willis is of opinion, that all the ſymptoms ſince the time of the laſt examination, are more favourable, and that there are conſiderable ſymptoms of abatement. In a word, all the phyſicians agree in the probability of his Majeſty's recovery, that the length of the time has made no unfavourable change, and thoſe who underſtand the diſorder beſt, think it more favourable. He ſaid, he wiſhed not to go at length into the particular of the laſt Report, on which the Committee might ſafely rely, as there were thoſe on the Committee who were anxious to ſift with the moſt ſcrupulous

accuracy, every thing likely to prove his Majeſty's recovery. There had, he ſaid, been thoſe who had given little credit to Dr. Willis; if, therefore, any obſervations ſhould ariſe from them, he had no doubt they would be made in the ſame ſpirit, and with the ſame ability as they had made them with in the Committee above ſtairs. He ſpoke of the ſkill, integrity, and good ſenſe of Dr. Willis, (which were evinced under a ſevere croſs examination, calculated to puzzle ſimplicity) in terms of eulogium; and ſaid, however it might ſuit with the political intrigues of the times, or be convenient to circulate juſt at preſent in London and its environs, he would not anticipate the remarks that might be made; but if there were any ſuch remarks to be brought forward, he deſired if they choſe to diſcuſs the credit of this or that Phyſician, that they might underſtand the nature of the imputation, whatever it might be. In the courſe of the enquiry above ſtairs, a circumſtance had come out, over which he would not draw a veil of delicacy, as he was not aſhamed to bring it forward. If it be ſtated to the diſcredit of any Phyſician, that he had ſubmitted to be unduly influenced by a great perſonage, let the Committee know to what Phyſician the imputation of having conſented to give an untrue account of the ſtate of his Majeſty's health applied; if an impropriety of tranſaction like that was imputed, he would not believe it till it was diſtinctly *ventured* to be ſaid; and when he uſed the term *venture*, he did not mean to apply it with regard to the exalted ſtation of the perſon in queſtion, but with regard to the tranſaction itſelf; nor did he, he repeated it, believe that any man would venture to charge blame of any kind on the reſpectable perſonage in queſtion, who had lived for almoſt thirty years in this country without traduction, a pattern of the moſt unexampled affection, domeſtic tenderneſs and virtue, againſt whom the breath of calumny had not dared to ſend forth even a whiſper, and who could not merit it at a moment, when viſited by a calamity, which rarely befalls a private perſon, but which ſurely is not a little aggravated when it becomes the lot of the family of a perſon in ſo exalted a rank as the Sovereign of the country. With regard to the fact itſelf, it appeared that Dr. Warren allowed, there were apparent circumſtances of an amendment; there was in conſequence a wiſh on the part of her Majeſty that the Report might

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be ſuch as ſhould give the public the moſt favourable account of his Majeſty's health, and would any man prove that any undue influence had been uſed for that purpoſe? The Chancellor of the Exchequer explained in what manner the words, *a comfortable way*, had been introduced into the Report, and then ſpoke of Dr. Willis, declaring, he was known in the country where he lived, by his character, and by the happineſs he had been the means of giving to the numerous families who were bound to bleſs him for the good effects of his ſkill. He ſpoke of another Phyſician, whoſe character was likewiſe high, and declared that if he wiſhed to draw a true concluſion of his Majeſty's State of Health, and proſpect of Recovery, he would wiſh to draw it from Dr. Willis, more than from any other Phyſician. Having ſaid every thing he meant to go upon reſpecting the Report, he came to the main point, and ſaid, the ſituation they were to provide for, was for the ceſſation of the perſonal exerciſe of the Royal Authority, a deficiency for which no previous proviſion had been made. As the cauſe of this deficiency, he had every reaſon to think, would be but temporary, they muſt deliberately conſider what were the objects to which they were to look. The firſt object they had to provide for, was to take care that there was a Government in the country, equal to its ſafety and the diſpatch of public buſineſs. Out of the nature of ſuch a proviſion another duty aroſe, and that of equal importance to the other, viz. to take care that the meaſure provided did not go beyond the neceſſity of the caſe. The Committee were to provide powers for the exerciſe of the Government, and they muſt take care to place thoſe powers in proper hands; but, above all things, to recollect that they were *not* placing a King on the Throne. They were to remember that the Throne was full; that no right any where exiſted to exerciſe the Royal Authority, but that which was conferred by that Houſe. They were to take care to provide againſt any embarraſſment in the reſumption of the Regal Authority, whenever God in his Providence ſhould permit the Rightful Holder again to exerciſe it. They were to provide only for the neceſſity of the caſe, and not to exceed it; and therefore the meaſures he ſhould propoſe would be to inveſt his Royal Highneſs the Prince of Wales with the whole Royal Authority, to be exerciſed in the name and on the behalf of his Majeſty, under

ſuch Limitations and Reſtrictions only as ſhould be provided. The principle, he ſaid, was not new, although the circumſtances of the caſe happened to be unprecedented. No man would ſay, that the ſame power that the principal exerciſed ought to be given to the delegate; if they referred to Precedents, they would find that no one inſtance would be met with of the whole of the Royal Prerogatives having been ſo delegated; on the contrary, every Precedent that bore the ſmalleſt analogy to the preſent ſituation, evinced the direct contrary, and that, no doubt, with a view to facilitate and enſure the reſignation of the delegate, when the principal ſhould be competent to exerciſe or to reſume his authority. He referred them to the Act of Queen Anne, (the Act of Succeſſion) the Regency Act of George II. and the Regency Act of the preſent King. Let them look to the caſe of a Sovereign diſabled by infancy—Was the Regent of the country inveſted with full and unlimited power to exerciſe the Royal Authority? Undoubtedly not. In the three Regency Bills in the Statute Books to which he referred, were there not limitations? There were in every one. All the powers might be given, but then they were not given to one perſon. What was the principle in a caſe of minority? It was thought unſafe to veſt all the powers in one perſon. He laid particular ſtreſs on the Regency Bill, in the reign of George the Second, and obſerved that there appeared at that time to have been a wiſh on both ſides the Houſe to doubt what confidence ſhould be placed in the Regent. They were afraid of making a Precedent, and therefore they gave the Royal powers among many, appointing a Council, without whoſe conſent the Regent could take no important ſtep whatever. The Chancellor ſtated that the will of the Predeceſſor was by one of the Bills to be the ſyſtem followed, while the Heir Apparent continued a Minor; a principle which he owned he thought went too far, although it was a plauſible principle, and was apparently moſt applicable to the preſent caſe. After reaſoning upon the three different precedents, and touching upon the ſhort Protectorate of Richard the Third, the other Protectorates or Guardianſhips in the earlier periods of our hiſtory, and demonſtrating by argument, that as in no one preceding inſtance all the powers of Royalty were given to one perſon, ſo in the preſent inſtance, which certainly differed moſt eſſentially,

eſſentially, they ought not to be, nor could they be, truſted in the hands of one perſon, without proving a hazardous, and, poſſibly, a prejudicial experiment: he declared he would give his vote for inveſting the Regent with all the powers that are neceſſary, but would agree to give none that were not requiſite to carry on the Government of the country with energy and effect.

His firſt Reſolution, the Chancellor of the Exchequer ſaid, he need not trouble the Houſe with, as he had already ſtated its ſubſtance and effect.

His ſecond Reſolution (which he read) was to reſtrain the Regent from exerciſing one branch of the prerogative peculiarly inherent in the Crown, viz. the power of granting Peerages, excepting to his Majeſty's ſons, being twenty-one years of age. This Reſtriction he thought neceſſary, as the Regent ought to grant nothing which might produce difficulties and embarraſſments, when the happy hour of his Majeſty's reſtoration to his health ſhould arrive. He dwelt a little on the object of inveſting the Crown with the power of creating Peers, viz. to enable the Sovereign to diſtribute rewards to eminent merit, and to give the Crown the means of chooſing perſons, who ſhould add to the number of one of the Branches of the Legiſlature. The Creation of Peers, he obſerved, was one of thoſe powers which belonged perſonally to the King. When he ſaid ſo, he ſcarcely meant to inculcate that it was the individual right of the King to create Peers, but that it was an eſpecial Prerogative of the Crown. He enumerated the grounds on which the Crown might exerciſe the Privilege of making Peers, and pointed out the inconveniencies that might follow from the Regent having the power to make Peers, contending that it was poſſible, the conſequence of the Houſe of Lords might be loſt, and the ſyſtem of the country overturned, and the Government end in a pure monarchy, an ariſtocracy, an oligarchy, or ſome reſource equally diſtant from our preſent Conſtitution. He deſired, if he failed to enumerate any particulars connected with any part of the ſubject, to have them pointed out to him. He reaſoned upon the ſort of effect that might ariſe from depriving the Regent of the power of creating Peers merely for a time; obſerving, that ſurely it would not be contended, that for want of ſuch an incentive for a few months, the country was likely

to be deprived of the ſervice of men of merit. If his Majeſty recovered, (as they all hoped, and had reaſon to expect, he would do) the power of creating Peers might be exerciſed by the rightful holder of that Prerogative: if unfortunately his Majeſty ſhould grow worſe, and ſhould be pronounced not likely to recover for a long time, Parliament would have it in its power to take off the reſtriction, and veſt the Regent with a power which, though not at preſent, he was ready to admit might in time become neceſſary to the carrying on of a powerful government. He ſpoke of the fluctuation of wealth and property in the country, and of the propriety of occaſionally raiſing monied men to the Peerage, in order to give the landed intereſt its fair balance and ſhare in the honours in the power of the Crown to beſtow. He alluded to the ſort of hands into which the conduct of publick affairs were likely to go, and ſaid, unleſs they had reaſon to expect a deſperate confederacy and cabal, to obſtruct the publick meaſures, he ſaw no ſort of inconvenience that could reſult from a temporary withholding from the Regent the power of making Peerages. As an abuſe of the Prerogative of making Peers, he urged the poſſibility of ſuch another confederacy and cabal forming, (as had been convicted of a deſign to overthrow the Conſtitution a few years ſince) who might give the Regent advice, which the Crown would probably have rejected, and ſuch a number of Peers might be created, as might conſiderably embarraſs the Crown in carrying on the Government, when his Majeſty ſhould be reſtored to his health. He ſaid he meant to make no profeſſions, but he deſired what he was going to ſay, might be conſidered as the teſt of his future conduct; he then declared that he ſhould not be found an oppoſer of the juſt and wiſe Meaſures of the new Government, which would remain to be diſcuſſed hereafter. He urged a great variety of other arguments in proof, that the withholding the power of making Peers for a time, was what they owed to the real intereſts of the country and the true Sovereign; that it could not prove prejudicial to the Regent's Government, and that if it ſhould turn out ſo, they would have the remedy in their own hands; a principle which coupled with that of doing nothing beyond the real neceſſity of the caſe. Having repeatedly laid a ſtreſs upon this, he ſaid, that upon the firſt view, the principles he had laid down might be ſuppoſed not

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to confine themſelves merely to one branch of the Legiſlature, and it might be contended, that as the preſent Houſe of Commons had proved themſelves ſo loyal to their Sovereign, and attentive to the intereſts of his people, that his Majeſty would be happy to receive the congratulations of the ſame Houſe of Commons on his recovery; but a little more conſideration would ſhew, that that would be reſerving from the people an opportunity perhaps of ſhewing their ſenſe of the conduct of their Repreſentatives; and there could be no danger to the Sovereign in ſending them back to their Conſtituents, if the Regent ſhould deem it wiſe or proper ſo to do; eſpecially to a people whoſe loyalty had been ſo conſpicuouſly manifeſted by the general and heart-felt ſorrow expreſſed throughout the kingdom, in conſequence of his Majeſty's melancholy ſituation and illneſs.

After fully dilating on the ſecond Reſolution, he read the third, which was a reſtriction preventing the Regent from allowing any grant, patent place, reverſion, or annuity for life, excepting in particular unavoidable caſes, ſuch as to Judges, &c. As this Reſolution ran ſo much upon the principle of the preceding one, the Chancellor of the Exchequer ſaid, it was unneceſſary for him to go into farther explanation of it.

The fourth Reſolution reſtrained the Regent from exerciſing any power over the perſonal property of the King. The Chancellor of the Exchequer ſaid, he ſcarcely thought it neceſſary to paſs this Reſolution, as it was not probable his Royal Highneſs ſhould interfere with his Majeſty's perſonal property in his life-time, but as they were acting upon parliamentary Principles, he thought it his duty to ſubmit it to the Committee.

The laſt Reſolution would be for entruſting the care of the Royal Perſon, during his Majeſty's illneſs, where of courſe all men would be unanimous in agreeing the Royal Perſon ought to be placed, in the guardianſhip of the Queen; and with this truſt, his intention was to propoſe, to put the whole of his Majeſty's Houſehold under the authority of her Majeſty, inveſting her with full powers to diſmiſs, appoint, &c. as ſhe ſhould think proper. Without being inveſted with this controul, he imagined the Queen could not diſcharge the important truſt committed to her care. He ſpoke of the Officers of high rank in the Houſehold, which though

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their places were well worthy the ambition of men of the firſt rank and family in the kingdom, were nevertheleſs only the firſt menial ſervants of his Majeſty, and actually neceſſary to direct and ſuperintend the greater part of his Majeſty's Houſehold. He ſtated, that theſe officers, ſuch as the Maſter of the Horſe, Lord Chamberlain, Lord Steward, &c. were by many thought high Officers of State, but the fact was otherwiſe; they were the menial ſervants of the Crown, and eſſential to its dignity and ſplendour. He argued againſt new modelling the Royal Houſhold under the preſent circumſtances, and ſpoke of the anxiety and pain it muſt give his Majeſty to find all thoſe whom he had choſen to be about his Royal Perſon diſcharged. Poſſibly his Majeſty's illneſs might continue but a few months, perhaps a few weeks; in ſuch a ſituation would it, he aſked, be delicate and reſpectful to make a change? Thoſe who were Lords of the Bedchamber, he admitted, did no great duty at preſent, but the Equerries did. He owned, that this part of the arrangement was a matter of ſome difficulty; but when he conſidered what his Majeſty would feel, when he waked from his trance of reaſon, and aſked for thoſe attendants, and was told, that his ſubjects had taken advantage of his momentary abſence of mind, and changed them, he flattered himſelf no Gentleman would object to ſuch a mark of attention being paid to his Majeſty. The Regent, it was true, he ſaid, was different from the King, but at the ſame time the Regent ought to have a retinue adequate to the importance, and the high rank of his ſtation; and he meant to propoſe that he ſhould have ſuch a retinue, which would unqueſtionably be ſome increaſe of expence to the country; but as it was unavoidably neceſſary to appoint a Regent, it was equally neceſſary to maintain the dignity of the character; and Gentlemen would not, he conceived, grudge a little expence on ſuch an occaſion. He recurred again to the power to be lodged in the hands of the Queen, and urged the neceſſity of conſidering the rank of the King, the rank of the Prince of Wales, and the rank of the Queen, who was conſort of the Sovereign, and mother of the Regent; it was not to be ſuppoſed, therefore, that the influence ariſing from the patronage held by the Queen, would operate to the detriment of the Regent's Government; in his opinion, to conceive

conceive as much, would be equally indecent and improper. On the grounds that he had mentioned, he moved,

"That it is the opinion of this Committee, that for the purpoſe of providing for the exerciſe of the King's Royal Authority during the continuance of his Majeſty's illneſs, in ſuch manner, and to ſuch extent, as the preſent circumſtances of the urgent concerns of the Nation appear to require; it is expedient that his Royal Highneſs the Prince of Wales, being reſident within the realm, ſhall be empowered to exerciſe and adminiſter the Royal Authority according to the laws and conſtitution of Great Britain, in the name, and on the behalf, of his Majeſty, under the ſtyle and title of REGENT of the Kingdom, and to uſe, execute, and perform, in the name, and on the behalf of his Majeſty, all authorities, prerogatives, acts of government, and adminiſtration of the ſame, which belong to the King of this Realm, to uſe, execute, and perform, according to the law thereof, ſubject to ſuch limitations and exceptions as ſhall be provided."

The Clerk read all the Reſolutions; when he came to the laſt, it ſtated, that her Majeſty was to have a Council, upon which the *Chancellor of the Exchequer* roſe again, and ſaid, he had not entered fully into an explanation of the laſt Reſolution, becauſe, although he had conſidered it as his duty to ſtate it to the Committee, he meant it to be conſidered as a ſeparate and diſtinct object, and ſo to be at a fit opportunity debated and diſcuſſed. He would juſt farther ſay, that it had occurred to him, that in caſes of difficulty and embarraſſment, on a ſubject of ſo delicate a nature, it might be a comfort to her Majeſty's mind to have a Council to conſult, but it was merely intended to be a Council of advice, not a Council of controul.

The Chairman then read the firſt motion in form:

Mr. *Powys* roſe immediately, and ſaid, he could not withſtand ſeizing on the earlieſt moment to reſiſt the whole ſyſtem opened by the Right Hon. Gentleman, as a monſtrous fabrick, tending to mutilate and diſmember the conſtitutional authority of the Crown. When the Committee of Enquiry, of which he was an unworthy member, firſt ſat, he knew all that was neceſſary for him to know of his Majeſty's ſituation, viz. that he was incapable of meeting his Parliament, or attending to Publick Buſineſs; that lamentable Mr. Powys.

as his ſituation was, it was nevertheleſs accompanied with the hope of his probable recovery, the time of that recovery was, however, declared to be uncertain. What was then the next proceeding? They had voted a Reſolution that it was their duty to preſerve the Royal Authority whole and entire. What were they now called upon to perform? To diſſolve, ſeparate, and parcel out that Royal Authority, that they had ſolemnly reſolved to preſerve whole and entire. What was the Conſtitutional Authority of the Crown? He took it to be an aſſemblage of all the duties of the Kingly office defined by ſtatute. When, and to which of the three Eſtates, was aſſigned the power of beſtowing honours? To the Crown; and that power of the Crown was derived from the ſame ſource, from which that Houſe derived its power. It was an integral part of the power of the people; the moment they took from the Crown the power of beſtowing honours, it therefore was no longer the Conſtitution framed by our anceſtors. He was told the political character of the King was entire; good God! was not the political character of the Crown entire! Was it neceſſary that Government ſhould be new modelled? Were the regal Rights inherent in the perſon of the King, or were they annexed to the office? He had heard in another place, that there was an infirmity in human nature which naturally attached itſelf to power; the perſon who ſaid ſo, was, no doubt, convinced of its truth; but was that infirmity confined to princes? Was there any thing in the conduct of the Heir Apparent, that warranted a ſuſpicion of his labouring under ſuch an infirmity? Thoſe who harboured a ſuſpicion were bound to prove it. Had he acted improperly during his father's illneſs? Had he ever attempted, by intrigues or cabal, to wreſt the ſceptre from the hand of his father? Had he been guilty of high treaſon? It was not, Mr. Powys ſaid, conſiſtent with the liberality of the Right Hon. Gentleman, to judge of a man's conduct in a ſituation in which he had never been placed. The Right Honourable had ſaid, there might be bad adviſers of the Regent; might there not be bad adviſers of the Queen? This country would look at their actions with peculiar jealouſy. The Right Hon. Gentleman had ſaid, when the new Government came in, they would have able leaders. Let thoſe who were without offence caſt the firſt ſtone! But was there no energy left in that

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Houſe to cenſure Miniſters, and controul their conduct? He flattered himſelf they ſhould ſtill be competent to grapple with all ill adviſers. In the Reſolutions, if there were any thing plauſible, and at firſt ſight reaſonable, it was in the third Reſolution, containing the Reſtrictions againſt granting offices, patent places, and penſions; but that all proceeded on the miſtaken notion that they were private property; that part of the Prerogative which was the property of the Crown, he always had conſidered, and ſhould conſider, as a part of the public revenue. Were none of the Royal Houſhold the political ſervants of the Crown, and had not the Right Hon. Gentleman again and again declared, that the Regent ſhould have the appointment of his political ſervants? Did the Right Hon. Gentleman know how many Members of that Houſe, and how many of the other, were on the Eſtabliſhment of the Royal Houſhold? And was that to ſecure to the King the ſafety of his Crown againſt the ambition of the Regent and his ill-adviſers? Why would they veſt one power in the Regent, and not another? Did they ſuppoſe that the Regent would abuſe it? Did they really feel that to be the caſe? Had they not ſome other object in view? There could be no argument for curtailing the prerogatives of the Regent, that would not apply to the excluſion of the Heir Apparent from the Regency. If that was the object, let Gentlemen go to it explicitly, and in a manly way, and not in the narrow, myſterious, crooked, miſchievous manner they were purſuing! Mr. Powys read an extract from a political pamphlet in this part of his ſpeech, which he thought applicable to his argument, and then called on the Committee not to ſet up that paralytical power which they were about to eſtabliſh. The Reſolution he charged with being like to excite feuds and animoſities, not only in the kingdom, but in the Royal Family, and to arm *mother* againſt *ſon*. Was that the way to add energy, to add vigour to the Government? Mr. Powys reminded Mr. Pitt, that he had formerly fought under his banners, and fought with ſucceſs, when he thought, in order to preſerve a diſtant branch of the Government, an attempt was made to introduce a fourth Eſtate, grounded on a wound at the very vitals of the Conſtitution. He declared he conſidered the preſent ſyſtem to be equally deſtructive to the Conſtitution; and as he did not want to parcel out any of the Prerogatives of the

the Crown at the will of an individual, he would move an Amendment. The Right Hon. Gentleman had ſaid, he went by Precedent, but the Precedents he had quoted told againſt him. Mr. Powys ſaid, he would eſtabliſh himſelf upon Precedent, upon the Statutes themſelves. The extent of power to be given now ought to be the ſame as given in former Statutes, and therefore he would give the words of thoſe Statutes. Mr. Powys accordingly referred to the Statutes, and moved his Amendment in theſe words:

To leave out from (Illneſs) in order to inſert,

"And preſerving the conſtitution of Great Britain undiſturbed, "and the dignity and luſtre of the Crown unimpaired, His Royal "Highneſs the Prince of Wales be appointed, during the preſent "indiſpoſition of his Majeſty, and no longer, in the name of the "King, and in his ſtead, to exerciſe and adminiſter, according to "the laws and conſtitution of Great Britain, the regal power and "government, under the ſtyle and title of Regent of the kingdom, "and to uſe, execute, and perform all prerogatives, authorities, "and acts of government, which might have been lawfully uſed, "executed and performed by the Regent and Council of Regency, "conſtituted and appointed by an Act of the 5th of his preſent "Majeſty, cap. 27."

As ſoon as the Chairman had read the Amendment,

Lord North. Lord *North* began with declaring, that he could not ſee what Gentleman had riſen, he hoped therefore he had not riſen improperly. He had heard his name called upon from the Chair, and on that account he had perſiſted in ſtanding up. It might appear diſreſpectful; it certainly was not pleaſant, and was rather unuſual for any Member of that Houſe to riſe with beginning to complain of any Reſolutions, which had on a former day received the ſanction of the Houſe, and yet on the preſent occaſion he felt a renewal of thoſe apprehenſions which he had ſtated himſelf to labour under, when inſtead of proceeding to perform that ſingle act of duty which the neceſſity of the caſe alone required at their hands, they had taken a courſe at once novel and dangerous, by eſtabliſhing a precedent unknown before, of appointing a ſhadow, a fiction of law, inſtead of a real, uſeful, and rational Repreſentative of the third Eſtate. Did it become them, as Members of the Houſe of Commons, in a moment like that, when the royal negative, which the

the Conſtitution had inveſted in his Majeſty, was ſuſpended, to avail themſelves of the temporary incapacity of the King, and to attack all the authorities of the Crown while it remained without a ſhield. When he talked of the Crown and of the King, he meant to ſpeak of both in that ſenſe, and in that character, which the Hon. Gentleman who ſpoke before him (Mr. Powys) had diſtinctly defined. The meaſures they were now called upon to adopt, contradicted that wiſe maxim of our Conſtitution, *that the King never dies*; the King, in his individual and natural capacity, it was true, ſuffered a demiſe, but the political capacity of the Crown was both by Law and the Conſtitution always held to be whole and entire; and why was this maxim eſtabliſhed, but for a plain and obvious reaſon?—to guard againſt and prevent a fatal interregnum of imperial power. Miniſters had contrived to produce that evil, which the Conſtitution had ſo wiſely and ſo cautiouſly guarded againſt, and had deviſed the means of the political death of the Crown. Let them aſk themſelves, what conſtituted the kingly office? It conſiſted of duties and functions on the one hand, of rights and prerogatives on the other; neither of them granted to the King for his perſonal gratification and advantage, but wiſely inveſted in the Crown, as the third Eſtate, for the good and ſecurity of the whole. Separate theſe public duties and prerogatives, ſuſpend ſome, and parcel out others, and there exiſted that fatal Interregnum, which the Conſtitution had forbidden. The Right Hon. Gentleman had repeatedly told them, in the courſe of his ſpeech, that they were to expect that his Majeſty's melancholy diſorder would be but ſhort, and that they were to conſider themſelves as providing for only a *temporary* ſuſpenſion of the perſonal exerciſe of the Royal Authority; but let the Committee recollect, that notwithſtanding the long and repeated examinations his Majeſty's Phyſicians had undergone, notwithſtanding thoſe examinations had obviouſly been governed by the general and anxious wiſhes of the Committee, that they might learn when they might expect the happy moment of his Majeſty's reſtoration to the full exerciſe of his authority, it had not been in the power of any one conſulted to give an idea of the probable time when his Majeſty's recovery would take place. The Right Hon. Gentleman himſelf had admitted, that unleſs his Majeſty's recovery did take place, the Re-

ſolutions he had propoſed would not be proper. Undoubtedly they would not. If it was but for a moment, every man who was a friend to the Conſtitution muſt ſubmit to ſuch Reſolutions with regret, becauſe they went immediately to affect the fundamental principles of the Conſtitution. But if it were admitted, that the Reſolutions would not be proper, in caſe his Majeſty's recovery did not take place, he muſt beg leave to deny that they were proper at all, under any circumſtances, or in any poſſible caſe. Nor were they in his mind more neceſſary than they were proper. They were in themſelves pernicious and dangerous, and muſt neceſſarily lead to the utmoſt confuſion. That Houſe had reſolved, that it was their Right and Duty to provide the means of ſupplying the defect in the perſonal exerciſe of the Royal Authority. What could that mean, more than they were to provide for the interval of his Majeſty's illneſs, by not ſuffering any advantage to be taken to deſpoil the Crown of its juſt and conſtitutional Rights? It was their duty to take care that when his Majeſty ſhould be capable of reaſſuming the Royal functions, he ſhould find them in as good a ſtate as he left them in; undiminiſhed, whole, and entire. Would any man venture to ſay, that this would be the caſe, if the Reſolutions the Right Hon. Gentleman had propoſed ſhould be adopted by the Committee? Indiſputably it would not,—becauſe the object of the Reſolutions was to appoint a perſon to the regal office, and to ſeparate from that office the Royal Authority.

What was the nature and extent of the Limitations and Reſtrictions ſpecified in thoſe Reſolutions, containing the detail of the general idea ſtated in the preliminary Reſolution then under the conſideration of the Committee? By the firſt of theſe Reſolutions, the Regent was to be reſtrained from making Peers; a new and an unconſtitutional limitation of the Royal Authority! The Hon. Gentleman had relied pretty much on Precedents and their analogy, when he had perſuaded the Houſe it was neceſſary to declare it to be their Right to provide for ſupplying the deficiency occaſioned by the ſuſpenſion of the Royal Authority. Could the Right Hon. Gentleman produce any Precedent, which, by the moſt diſtant analogy, or the moſt forced conſtruction, could be brought to countenance the reſtraining the Regent from making Peers? His Lordſhip declared, he knew of no moment in which ſuch a Power had

had lain dormant in this country. The Right Hon. Gentleman had ſaid, that this power could not be neceſſary to the Regent. The King poſſeſſed this power becauſe it was neceſſary, and the Right Hon. Gentleman had deſcribed it as the inherent Right of the Crown. It was nevertheleſs a public Right, and not a perſonal individual Right. It belonged to the Kingly office as one of the Royal Prerogatives, all of which were ſuppoſed to be neceſſary to the ſupport of Government, and the good of the people governed. If the power of making Peers was neceſſary to a King, why was it not neceſſary to a Regent? In Kings this power had been conſidered as the fountain of honour, and had been exerciſed often to the general ſatisfaction of the people as the reward of merit, and the incentive of public virtue. Why then ſhould it be denied the Regent? His Majeſty's ill health, and the uncertainty of his recovery, would of themſelves make the Government of a Regent more precarious, more inſtable than that of the Crown, which, from its nature, was permanent, and conſequently more firm, more vigorous, and more effectual. Becauſe then the Government of a Regent was naturally and unavoidably weaker than the Government of a King, was it to be made weaker ſtill, by the impoſition of unneceſſary Limitations and Reſtrictions, tending to cramp, to embarraſs and enfeeble its powers and authority? The Right Hon. Gentleman had ſaid, a time might come, when it would probably be neceſſary to reconſider the buſineſs, and then, if his Majeſty's recovery did not take place, they might remove the Reſtrictions now impoſed on the Regent, and leſſen the Limitations, or take them away altogether. That Parliament could reviſe, explain, and amend its own Acts, was a truth by no means new to that Houſe; but why ſhould the Houſe create a neceſſity for ſuch reviſion, explanation, and amendment, when the creating it would eſtabliſh a dangerous Precedent, and the avoiding it could lead to no ſort of difficulty or inconvenience? The laſt Peerage Bill that was agitated, was in the reign of George the Firſt; at that time there were many men who deſerved well of their country, and were fairly entitled to any honours in the power of the Crown to beſtow; but George the Firſt was then old and infirm; the Miniſtry, though a powerful party, compoſed of men of high character, great abilities, and great authority in the country, were

imagined not to be much in the good graces of the Prince of Wales, the Heir Apparent to the Throne. They had reaſon to expect, therefore, that when the Prince of Wales came to the Crown, he would create ſo many new Peers that their party would be out-numbered in the Houſe of Lords; and thus they ſhould be ſhut out from a reaſonable chance of returning to power, in caſe it ſhould, on the acceſſion of the new King, be taken out of their hands. With a view to avert this evil, they propoſed to limit the Peers to be created in future, and to reſtrain the Crown from ennobling more than a certain number of Commoners, from time to time. His Lordſhip ſaid, theſe motives he did not mean to aſſert were the true motives, but they were thoſe attributed to the Miniſtry at the time. The Bill in queſtion was ſo clearly calculated to increaſe the importance of the Peerage, that it was greedily graſped at by the Lords of all parties, although they pretty plainly ſaw the object that was meant by it. The Peers in oppoſition overlooked the political diſtinctions of the times, and were glad to loſe ſight of party in the promotion of a meaſure, the neceſſary end and effect of which muſt have been the exaltation of their own rank and authority in the Conſtitution. The Lords ſaid, "this Bill may grow out of the ſecret policy of Miniſters; it may be a job for them; but it is ſo plainly a job for us, that it is our intereſt to promote and embrace it;" and thence the Marquis of Buckingham, at that time in oppoſition, gladly undertook to introduce the Bill, and gave it all the ſupport of his influence and abilities. It was carried in conſequence by a high hand in the Houſe of Lords; but when the Bill came down to the Houſe of Commons, it met with a very different reception. The Houſe felt the inſult to themſelves, and ſpurned at a Bill which went to ſet the other Houſe above its balance in the conſtitution. The Bill had been rejected in that Houſe by a majority of 269, a number which, his Lordſhip ſaid, was apt to run in his head. [His Lordſhip alluded to an incident in his political life.] The Houſe of Commons of that day conſidered the Bill as an ariſtocratic meaſure, and they rejected it with indignation. In the preſent caſe, it might be ten, fifteen years, no body could ſay how long they might be under a Regent. It behoved them therefore to be cautious how they proceeded. Were they ſure, that when it ſhould be thought neceſſary

to take this among other Reſtrictions off, that they would have the ready concurrence of the other Houſe? That Houſe could do nothing legiſlatively without the concurrence of the Houſe of Lords, and when the time ſhould come, that the Houſe ſhould find it proper to take off the Reſtriction in queſtion, and to declare that they thought it no longer neceſſary, the Houſe of Lords might ſay, "We beg your pardon, we think it is. We are too wiſe to part with what you were ſo unwiſe as not to withhold. We will not ſubmit to be governed by the fancies of the Houſe of Commons; we are aware of your capricious and changeable temper, but we do not move *arbitrio popularis auræ*. You once thought theſe Reſtrictions neceſſary, we think them neceſſary ſtill, we are aware of the value of what we have obtained, and it reſts with us to judge when it will be moſt fit to return it." Let Gentlemen therefore ſeriouſly conſider of the future difficulty they might create by abridging the Royal Prerogative in ſo eſſential a particular, and if they were determined to impoſe the Reſtriction on the Regent, let them at leaſt limit its duration, and put it out of the power of the other Houſe to continue it in force after the time when it might appear no longer neceſſary to remain. His Lordſhip hinted, that it might be proper to date the exiſtence of the Reſtriction from the 16th of January, and limit its duration to any future day that to the wiſdom of the Committee might ſeem proper.

The third Propoſition, his Lordſhip ſaid, was for preventing the Regent from granting Patent Places, Offices for Life, in Reverſion, &c. a Propoſition which he muſt oppoſe in the terms in which the Right Hon. Gentleman had conceived it. Theſe ſort of places, like the honours of the Peerage, were the proper rewards of merit, and ſuch as the Regent, generally ſpeaking, ought not to be reſtrained from granting. If any number of offices, which before the firſt of November were only offices held during pleaſure, ſhould by the Regent be converted into offices for life, or in reverſion, his Lordſhip ſaid, he ſhould admit that ſuch a power ought not to be exerciſed, becauſe it would be a great diminution of the power of the Crown, which ought not to find itſelf in a worſe ſtate than it was in before his Majeſty's illneſs commenced, and no principle could eſtabliſh that without contradicting the Con-

ſtitution. But no man could ſay that the ſame objection could be applied to the power of making Peers, becauſe, if the Regent were allowed to exerciſe that Prerogative, it would not in the ſmalleſt degree diminiſh the power of his Majeſty to exerciſe the ſame authority, when he ſhould be capable of re-aſſuming the reins of Government.

His Lordſhip ſaid, he would paſs on to the fourth Reſolution, which, if he underſtood it rightly, went only to reſtrain the Regent from interfering with ſuch acquiſitions of wealth or eſtate, as from ſavings, or by any other means his Majeſty might have made perſonally, ſince his acceſſion to the Throne. With regard to theſe, undoubtedly the Regent ought not to meddle with them; but the real property of the Crown was, in his conſideration, the property of the public, lodged in the hands of the King for the public benefit. All property of the other deſcription his Majeſty might deviſe and diſpoſe of by will, in like manner as any private Gentleman could diſpoſe of his unentailed private fortune.

The laſt Reſolution was undoubtedly well worthy a ſerious and deliberate diſcuſſion, becauſe it went to the diſpoſal of a number of places in his Majeſty's Houſehold, amounting to a vaſt deal of money out of the Civil Liſt. For the diſpoſal of places of this deſcription to be ſubmitted to the truſt of any other perſon than the King himſelf, or the immediate Repreſentative of the Crown, or for the exerciſe of ſo great a power deducible out of the Civil Liſt revenues to be ſeparated from the other regal authorites, appeared to him to be an unconſtitutional, an unprecedented, and a monſtrous propoſition. The Right Hon. Gentleman had ſaid, that a great part of the expences of his Majeſty's Houſehold was under the pay or controul of the Maſter of the Horſe, the Lord Chamberlain, and the Lord Steward, and that therefore their remaining undiſturbed in office was actually neceſſary to the regularity of the Royal Houſehold during the continuance of his Majeſty's illneſs, and that his Majeſty's feelings might be much hurt, when, upon his recovery, he ſhould find, that during his unfortunate infirmity, his ſubjects had changed his Houſehold, and removed his domeſtics. His Lordſhip ſaid, he did not wiſh to deprive his Majeſty of his property, nor of his domeſtics; but could no other way be deviſed, by which proper attention could be paid to the King, with-

without this vaſt patronage being veſted in any other hands than thoſe of the Regent? The Right Hon. Gentleman had declared, he found it a difficult thing to ſettle the interior of his Majeſty's Houſehold, without giving the controul of it to the high and reſpectable character, to whom the care of the Royal Perſon was (and undoubtedly in his opinion) to be entruſted; and yet the Right Hon. Gentleman had found a way for the two Houſes of Parliament to paſs a law without the King, or a third Eſtate; and that he muſt take leave to ſay was a much more difficult thing. The Right Hon. Gentleman had that day alſo propoſed to make a Regent, and to expect from him the duty and reſponſibility of a King, while he withheld from him the unreſtrained exerciſe of the Royal Authority. Was it poſſible then for the Right Hon. Gentleman to feel any embarraſſment in the diſpoſal of the Grooms of the Bedchamber? This reminded him of the extraordinary powers of an extraordinary order of beings, of whom they had all heard when they were young. His Lordſhip ſaid, he alluded to witches, and the potent faculties that were attributed to them. They were ſuppoſed to be capable of riding through the air on broomſticks, of blaſting the moſt fertile fields, of deſtroying corn and cattle, and of perſecuting their enemies, and killing people at a diſtance by a thouſand ways, and yet great and præternatural as the power of theſe witches was pretended to be, he had been told when a boy, that all their efforts were vain, and all their arts defeated, by the ſimple circumſtance of two ſtraws being put acroſs each other. Do this and the power of the witch was at an end. Could not, therefore, the Right Hon. Gentleman get over his difficulty? Could he paſs laws without a third Eſtate? Could he form a pageant, and inveſt it with the Royal Authority; Could he appoint a Regent and deſpoil him of regal power? Could he make a King and no King? and yet was the proviſion for diſpenſing with the patronage of appointing the Grooms of the Bedchamber, ſo difficult, ſo arduous, ſo inſurmountable, that his invention, his power, his ingenuity, all left him, and he was forced to confeſs himſelf incapable? His Lordſhip ſaid, he was perſuaded, if the Right Hon. Gentleman would deem it worthy his endeavours, he would eaſily ſurmount this leſſer difficulty, after having got over difficulties, that to his underſtanding appeared to have been ſo much

more formidable. The Right Hon. Gentleman, he obſerved, had told them, that the Lords of the Bedchamber were formerly intimately connected with the interior of the King's Houſehold, and in the ſtrict ſenſe of the words, domeſtics of the Sovereign. This might have been the caſe in George the Second's time; but they all knew, that Lords of the Bedchamber had been *otherwiſe* employed of late years. They, as well as the higher houſehold officers, were the political ſervants of the Crown, not appointed for the domeſtic comfort of the Sovereign, but for his public pomp, and annexed to his retinue, as a part of the pageantry of the Crown. The Right Hon. Gentleman had aſſured them, that the Patronage to be withheld from the Regent under this Reſolution would not be abuſed; and had deſired his profeſſion, that he would not take part in any factious oppoſition to the Government of the Regency, might be conſidered as the teſt of his future conduct. That the exalted Perſonage, in whoſe hands this enormous patronage was to be nominally lodged, would not abuſe it, his Lordſhip ſaid, he was willing to believe; but when he conſidered, that there was to be a Council to adviſe her Majeſty, he was not quite ſure that advice would always be pure and free from the influence of a ſpirit of factious Oppoſition. He had not, his Lordſhip ſaid, that nice gift of ſight by which he could tell at the firſt view of a perſon's countenance the ſincerity of his intentions, but though he had loſt his ſight, he had not loſt his ſenſe of hearing. He had heard the Right Hon. Gentleman's profeſſion of what he deſired to be conſidered as the teſt of future conduct, but the Committee well knew, it was not parliamentary to rely on the profeſſions of an individual; when a great public meaſure was under conſideration, they ought to govern themſelves by public principles, and not by perſonal confidence.

His Lordſhip remonſtrated againſt withholding ſo great a part of the Prerogative of the Crown from the perſon who was beſt entitled to expect to be entruſted with the exerciſe of the Royal Authority during the incapacity of the Sovereign. The Right Hon. Gentleman had denied, that there exiſted a right in the Heir Apparent to aſſume the exerciſe of the Royal Authority, but they had all heard it was admitted to be ſuch an irreſiſtible claim, as could not be rejected without injuſtice and without violence.

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What was it then to which his Royal Highneſs had ſuch an irreſiſtible claim, that he could not be deprived of but by reaſons ſtrong enough to juſtify a Bill of Excluſion? It could be no new Conſtitution; it was a claim, he ſuppoſed, to ſomething that had exiſted before. It was not a right to ſuſtain a burthen, to ſubmit to the performance of all the duties, without enjoying all the prerogatives of a King. No reſtrictions ought therefore to be impoſed on the Regent; but if any Reſtrictions were adopted, they ought to be dated from the 16th of January, and be confined to a limited duration. He conjured the Committee to have recourſe to their conſtitutional ideas, and if, during the temporary ſuſpenſion of the King's perſonal capacity to exerciſe the Royal Authority, it was their duty to provide for that defect in the Conſtitution, let them be governed by the neceſſity of the caſe, and not exceed its limits. Let them provide, that the people ſhould have a good government: and when they had done that, they would have done all that they owed to themſelves, to the people, and ſo good a Sovereign as his Majeſty: to do more would be a moſt dangerous experiment. During the continuance of that melancholy malady, with which the King was afflicted, and the bare recollection of which made every man's heart bleed, the people had a right to expect that they ſhould be well governed. Let it not be ſaid, then, that for fear the Regent ſhould change a Miniſtry, they were willing to change the Conſtitution. Let them not be captivated with every light and airy fancy of political ſpeculatiſts, but let them adhere to what they knew from experience to be ſolid and ſecure. If they adopted the project ſuggeſted by the Right Hon. Gentleman, they would act contrary to the practice of their anceſtors, and contrary to the principles of the Conſtitution. His Lordſhip ſaid, there was no inſtitution of their anceſtors, which might not be changed on the ſuggeſtion of wanton caprice and looſe fancy, if they once gave way, upon ſo great a point. If they were prevailed on, there was nothing ſafe, ſince upon the ſame principle that they were now called upon to ſacrifice what had been for above a century found agreeable to the wiſhes and taſte of the people, they might be deſired to alter every inſtitution, the moſt uſeful and the moſt ſalutary. Let them learn to dread the change of their Conſtitution, from the miſchiefs that had followed

lowed from ſuch a circumſtance in other countries. Spain owed the loſs of her Conſtitution to the complaiſance of the *Cortes*; had not their fatal pliability taken place, Spain would have remained free. The foundation was alſo laid for the ruin of the liberties of Rome by innovating upon her Conſtitution. They all knew that Rome owed her freedom and greatneſs to being under the government of perſons annually elected to office, and her victories to ſhort commands, When war was made, or peace proclaimed in the beſt times of the Commonwealth, it was done by the Conſul or Pro-Conſul, who headed the Roman armies and conducted them to the field; but when great men came in faſhion, they did all themſelves; thus, when Sertorious was in rebellion againſt the Republic in Spain, and Mithridates in arms in Aſia, the Mediterranean infeſted with pirates, and Rome threatened with a ſcarcity of corn, Lucullus was recalled, and Pompey inveſted with the command, and with the conduct of the war; nothing would at that time go down with the Roman people but Pompey; Pompey, it was true, ſubdued Sertorius, reduced Mithridates, ſcattered the Pirates, and brought grain to Rome, but by the Commonwealth's departure from the eſtabliſhed principles of the Roman Conſtitution, the Conſtitution of Rome was undermined. Short commands were aboliſhed, Cæſar was put at the head of the legions for five years, and his command was prolonged for five years more. Cæſar was undoubtedly a General, but this relaxation of the laws in his favour, and ſimilar acts of complaiſance to other great men, put an end to the liberties of the Republic, and gave Rome a maſter. His Lordſhip declared, he trembled for his country if the Reſolutions were adopted. If they thought any advantage could repay the violation of the Conſtitution, and acted upon that principle, that principle would be their ruin. He ſhould not, he ſaid, himſelf probably live to ſee the fatal effects that might follow, but his poſterity would, and there were Gentlemen, who ſat there, that might one day repent, in the bitterneſs of affliction, the wreck of public freedom, that would follow in conſequence of the liberty they had that day ſuffered to be taken with the landmarks of the Conſtitution!

Lord Belgrave.

Lord *Belgrave* roſe after Lord North, to aſſert that veſting all the Royal Prerogatives in the Regent would be to truſt too much power

power in one perſon's hands during the life-time of the Sovereign. He reaſoned a good deal on the Report then upon the Table, and upon the competition that had been ſet up between the ſkill of Dr. Warren and Dr. Willis. He ſaid, he would not follow the example of others, *e converſo*, and ſay, that Dr. Warren was an improper or a dangerous man to be about his Majeſty, becauſe he thought Dr. Willis was not an improper nor a dangerous perſon to be ſo employed. He would not take upon him to decide upon the comparative merits of the Phyſicians, but he was perſuaded that if any unprejudiced man were carefully to peruſe the Report, he would pronounce the reſult of it to be, that the probability of his Majeſty's recovery was declared to be increaſed ſince the preceding examination of the Phyſicians who attended him. Lord Belgrave ſaid, the Queen was univerſally beloved and adored, and that the whole of her conduct during his Majeſty's illneſs, had been ſo exemplary tender and affectionate, that it muſt encreaſe the veneration and regard which all ranks of people entertained for her. His Lordſhip ſtrenuouſly maintained the political integrity of the King's character, and ſaid, if that were taken away, or conſidered as ſuſpended, the Conſtitution would be highly endangered. He urged the propriety of ſecuring the Rights of the Crown, and not truſting them to the hazard of events. He profeſſed a ſincere eſteem for the Prince of Wales and declared, he had an implicit confidence in the virtues of his Royal Highneſs, but in a caſe like the preſent, when they were eſtabliſhing a precedent, and providing an example, as it were, for poſterity, they could not proceed with too much caution. There might hereafter exiſt an Heir Apparent, who, equally deaf to the ties of nature, and regardleſs of the intereſts of the people, might connect himſelf with a deſperate faction, and forgetting what was due to his own character, and his exalted ſtation, might afford the nation a melancholy proſpect of what they were to expect when he came into power. God forbid, he ſaid, that ſuch a one ſhould exiſt! but as the tranſactions of the times would doubtleſs form an important æra in our hiſtory, it was their duty to guard againſt the poſſible danger of the Regent being ſurrounded by ill-adviſers, and his mind warped by the councils of an unprincipled faction, who had once already made a violent attack on the conſtitution

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of their country. His Lordſhip paſſed the higheſt encomiums on the Chancellor of the Exchequer, obſerving, that when the juſt and lawful Prerogatives of the Crown were in danger, his Right Honourable Friend had manfully ſtood forth to defend them; and on the recent occaſion of the perſonal exerciſe of the Royal Authority being ſuſpended, when the liberties of the people were threatened by a declaration of a Right in the Heir Apparent to aſſume the exerciſe of the Royal Authority (a right that they had reſolved could exiſt conſtitutionally only in the perſon to whom that and the other Houſe of Parliament ſhould delegate it) his Right Honourable Friend had, with equal ſpirit, denied the exiſtence of the Right aſſerted to exiſt in the Heir Apparent, and after putting the aſſertion and denial at iſſue, had obtained a parliamentary declaration in favour of the people. His Lordſhip wrought up his panegyric to a Climax; repeated his profeſſion of love and reſpect for the Prince of Wales, and for the Conſtitution of the country; and after a quotation from the Orations of Demoſthenes, concluded with declaring, that he ſhould vote for the Reſolutions, as he highly approved of the ſyſtem which they tended to eſtabliſh.

Mr. Sheridan.

Mr. *Sheridan* began a moſt pointed, ingenious, witty, and powerfully argumentative ſpeech, with declaring that he meant not to copy the example of the noble Lord; he roſe neither to congratulare the Majority, nor condole with the Minority, on any former vote of that Houſe, which the noble Lord had extolled as an act of ſpirit; if the aſſertion were true, and the fact was, that the Vote the Houſe had laſt come to, had been an act of *Spirit*, he hoped they would now proceed to an act of *Juſtice*. He declared he meant not, like the noble Lord, to treat the Houſe with a quotation, whether taken from any Greek, Roman, or Engliſh writer; neither did he mean to ſhew his partiality to his friends by any elaborate encomium on their merits. The noble Lord, however, had miſapplied the line he had quoted from Demoſthenes, who had meant to reproach the Athenians for waſting that time, which they ſhould have ſpent in effectually oppoſing their enemy, in fruitleſs enquiries and examinations of Phyſicians, from the wiſh of learning an unfavourable opinion of his health; he hoped that was not a very applicable caſe on the preſent occaſion, and that the

the enquiries had not been carried on with that view. He would not, he ſaid, go much at large into the Report then upon the Table, though he could not paſs by the repreſentations the Right Hon. Gentleman had made of the anſwers and opinions of the Phyſicians; the Right Hon. Gentleman had ſaid, that the Phyſicians had *all* agreed that his Majeſty's cure was probable, that he was better, and that there were, more or leſs, ſigns of his recovery. That he poſitively denied; the Right Hon. Gentleman had not quoted the Report, and he would not do it, but he aſſerted, that the Phyſicians did not all of them ſtate that there were ſigns of his Majeſty's recovery. Dr. Willis, indeed, did ſtate it, and there was ſomething of the ſame ſort ſaid by Sir Lucas Pepys; but the other Phyſicians declared the expreſs contrary to be their opinion. Mr. Sheridan took notice of the manner in which the Chancellor of the Exchequer had ſpoken of Dr. Warren, and charged him with having indirectly endeavoured to attack Dr. Warren's character; the noble Lord who ſpoke laſt had, alſo, he ſaid, followed the Right Hon. Gentleman's example, and in a way peculiarly injurious inſinuated to the prejudice of Dr. Warren. On occaſions like the preſent, Mr. Sheridan ſaid, it was ridiculous to ſtand upon idle ceremonies and trifling etiquettes; he would ſpeak out and ſay, that if there was a witneſs who appeared to give prevaricating and evaſive anſwers, that witneſs was Dr. Willis. In order to ſee whether he was right or wrong in this aſſertion, let Gentlemen look fairly to the Reports, and then decide. The Right Hon. Gentleman, when talking of the endeavours to puzzle and miſlead Dr. Willis, and perplex the ſimplicity and plainneſs of his nature, he had looked towards him as if he meant to allude to his croſs-examination of that Phyſician in the Committee above ſtairs. He knew not that it was either parliamentary or proper to make what paſſed in Select Committees above ſtairs, the ſubject of alluſion in that Houſe; but if the minutes of the Committee were before the Houſe, they would ſee, that he had croſs-examined Dr. Willis with a view to put his credibility to the teſt, in conſequence of a Learned Friend of the Right Honourable Gentleman, then in his place, having croſs-examined Dr. Warren, expreſsly, as he had himſelf declared, for the purpoſe of impeaching Dr. Warren's credibility. He argued the different anſwers given by Dr. Willis

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at different times, and charged them with various contradictions. When he heard Dr. Willis at one time aſſerting that the accounts ſent to St. James's did not convey a true ſtate of his Majeſty's health, but were conſidered by him as preſcriptions for the public to ſwallow, and when at another he heard him admit them to be ſtatements of facts, and found from the examination of the other Phyſicians, that no ſuch converſation had paſſed as Dr. Willis had ſtated to have paſſed, was he not neceſſarily ſtaggered, and inclined to think Dr. Willis a looſe and random ſpeaker? When he heard Dr. Willis attribute his Majeſty's illneſs to ſeven-and-twenty years of extreme ſtudy, abſtinence, and labour, and declare that his Majeſty was recovering, aſſigning as a reaſon, that the phyſic he had that day given him, had produced the deſired effect; what muſt he think of Dr. Willis, when he heard him aſſert that his phyſic could in one day overcome the effects of ſeven-and-twenty years hard exerciſe, ſeven-and-twenty years ſtudy, and ſeven-and-twenty years abſtinence, it was impoſſible for him to keep the gravity fit for the ſubject. Such aſſertions put him in mind of thoſe noſtrums that were to cure this and that; *and alſo diſappointments in love and long ſea voyages.* He did not, Mr. Sheridan ſaid, impute Dr. Willis's anſwers to any intention to deceive, but when he heard him roundly declare what every other of his Majeſty's Phyſicians pronounced it impoſſible to ſpeak to, he muſt aſſert that Dr. Willis was a very haſty decider, and a random ſpeaker. Having diſmiſſed this part of his argument, Mr. Sheridan proceeded to animadvert on other parts of the Right Honourable Gentleman's ſpeech, and declared he did not wonder that in ſpeaking of one perſon whom the Right Honourable Gentleman had thought fit to introduce, he choſe to appeal to the feelings, rather than the judgment of the Houſe. The manner in which the Right Hon. Gentleman had mentioned her Majeſty appeared to him to be with a deſign to challenge and provoke a diſcuſſion of the conduct of the Queen; but he truſted, whatever had been the Right Honourable Gentleman's motives, it would be diſappointed. The dutiful conduct and domeſtic virtues of that Royal Perſon never had been called in queſtion; he hoped, therefore, they ſhould avoid the diſcuſſion, as a matter equally unneceſſary and indecent, and when the Right Honourable Gentleman talked of

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delicacy on the ſubject, he wiſhed him to reflect on his own conduct in the Committee. Thoſe who would give reſponſibility to the Queen, thoſe who would take her out of that private and domeſtic ſtation, in which ſhe had conducted herſelf ſo amiably and irreproachably, were, Mr. Sheridan ſaid, the perſons who manifeſted a want of delicacy, and a want of attention, to the character and comfort of the Royal perſon in queſtion. With regard to the feeble preference to the Prince's Claim, which the Right Hon. Gentleman had admitted, it appeared from the Right Honourable Gentleman's conduct, as if his concurrence with it was extorted from him by the opinion of the public. The plain queſtion was, what were the motives that induced the Right Hon. Gentleman to refuſe the full powers of the Crown to the perſon who was to act as its repreſentative? What, but an intention to tye up the hands of Miniſters at a time when they would be moſt in need of unreſtrained authority. It would not, he believed be denied, that a Government by a Regent muſt neceſſarily be more weak than a Government carried on by the Crown itſelf, and that, conſequently, it required every poſſible degree of additional aid and aſſiſtance; but, by the line propoſed, it was ſignified to all foreign Powers, that they were divided among themſelves, and that there did not exiſt that harmony of heart and unanimity ſo neceſſary to exiſt at that criſis. The Right Honourable Gentleman had reſorted to precedents in ſupport of his arguments of that day, but the whole line of precedents he meant to follow made directly againſt the inference he meant to draw from it. By the mode the Right Hon. Gentleman had adopted, the balance of the Crown was deſtroyed, and as far as the balance of the Conſtitution was concerned, that was deſtroyed alſo. Did the Regency Bills, referred to by the Right Hon. Gentleman, proceed upon the ſuppoſition that the minor could never be of age? Moſt certainly they did not, nor were the powers of the Prerogative withheld. They were all given, not into the hands of one perſon indeed, but into the hands of many. Mr. Sheridan ſtated, that at that time (in the reign of George the Second) the Prince of Wales was thirteen, and he was by the Regency Bill declared to be of full age at eighteen, and the King was at that time alive and in good health. He reaſoned upon theſe facts, and ſhewed that the ut-

moſt time the Prince could in that caſe have been a minor, was five years, and that the probability was, that he would have remained ſo when he came to the Crown more than two or three years. Towards the latter end of the Right Honourable Gentleman's ſpeech, he ſaid the true motive of the Right Honourable Gentleman's conduct had manifeſted itſelf; he had on a former day adverted to it, but not that day, except in that part of his ſpeech to which he then alluded, and that was his belief that the Regent would change the Adminiſtration, and that the Government would fall into the hands of thoſe whom the Right Hon. Gentleman had dared to aſſert, had been convicted of a confederacy to overturn the Conſtitution. That was the real ſpring of all the Right Hon. Gentleman's Meaſures reſpecting the Regency. If the preſent Miniſters had been intended to have been kept, the limitations, he verily believed, would never have been heard of. The whole of the Right Honourable Gentleman's conduct was confeſſedly governed by party conſiderations, and by the impulſe of his own perſonal ambition. The Right Hon. Gentleman talked of the evil adviſers the Regent might poſſibly have about him; was there, in fact, any real cauſe to dread ſuch a circumſtance? If that were the caſe, might he not aſk, with the Hon. Gentleman near him, (Mr. Powys) was there not vigour enough left in that Houſe to cruſh any attempts of abuſe of authority, to call bad Miniſters to a ſevere account, and to addreſs the Regent to remove them from his Councils? The Right Hon. Gentleman had more than once wantonly attacked that ſide of the Houſe as containing a political party; he made no ſcruple to declare, that he thought it the glory and honour of his life to belong to that party; he who knew the character of that party, knew that it was an honour any man might covet, to belong to it. Was it a diſgrace to have been formed under the Marquis of Rockingham, and under his banners to have combated on behalf of the people with ſucceſs? Was it a diſgrace to be connected, with the Duke of Portland, a nobleman, who ſwayed by no mean motives of intereſt, nor influenced by any ambitious deſigns to graſp at power, nor with a view to any other purpoſe than the welfare of the Country, dedicated his mornings unremittingly to the promotion of the public good? Mr. Sheridan ſpoke alſo of his Right Hon. Friend near him, as

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an individual, whom no man knew without immediately becoming aſtoniſhed at the extent of his mind and the keenneſs of his underſtanding, enamoured with his virtues, and attached to him from principle. He ſaid, it was the pride and glory of his life to enjoy the happineſs and honour of his friendſhip, and aſked if the Duke of Portland and Mr. Fox, were the leſs worthy of the confidence of their country, or more unfit to be Miniſters, becauſe an arrogant individual choſe preſumptuouſly to load them with calumny. Were he an independant man, ſtanding aloof from party, and wholly unconnected with it, he could not with patience hear the Right Hon. Gentleman's inſulting language; but as a party man, boaſting himſelf to be one, how did the Right Hon. Gentleman imagine he ſhould receive his reflections but with that ſcorn and diſdain which became a man conſcious of the worth and value of thoſe with whom he was connected? He reminded the Right Hon. Gentleman that after that confederacy, whom he had ſo groſsly calumniated, had, among other of their iniquitous proceedings, paſſed their India Bill, and after they had formed their Coalition, that Right Honourable Gentleman was ready enough to have joined the confederacy, and a treaty, as the Houſe well knew, had been then ſet on foot, but the negociation was not concluded. He declared he did not believe the Right Hon. Gentleman was in earneſt, he would not injure him ſo much as to believe him to be in earneſt, when he talked of the damages to be dreaded from the evil adviſers of the Regent as to the abuſe of the exerciſe of the powers of creating Peers. Mr. Sheridan commented on the Chancellor of the Exchequer's argument on the ſubject of creating Peers with ſome pleaſantry, declaring he had never before heard that the commerce of the country had ſwelled to ſuch a pitch, that therefore it became neceſſary to add to the number of the Peerage, and that another reaſon was the prevention of a faction in the Houſe of Lords againſt the Crown. The Right Hon. Gentleman had, he ſaid, made no leſs than forty-eight Peers in the five years that he had been the Miniſter, and that yet he had never heard of any faction having been likely to have taken place in that branch of the Legiſlature. After putting this pointedly, Mr. Sheridan took notice of the Right Hon. Gentle-

man's having ſaid, he deſired it to be conſidered as a teſt of his future conduct, and not as a profeſſion, when he declared that he would not oppoſe the meaſures of his ſucceſſors in office, he deſired the Houſe to remark the manner in which that teſt had been worded, viz. that the Right Honourable Gentleman would not oppoſe any juſt or good meaſures of the new Miniſtry, which meaſures were *hereafter to be diſcuſſed.* Mr. Sheridan ſaid, the declaration called to his mind a ſimilar one of the Right Honourable Gentleman on a former occaſion, which the Right Honourable Gentleman had not adhered to. He declared he believed the Right Honourable Gentleman was ſincere in his intention, though he had not what Dr. Willis had declared *he* poſſeſſed, the gift of ſeeing the hearts by looking at men's countenances. He remembered the Doctor at firſt told the Committee, "that he could thus ſee the heart of any man whether he was ſick or not," a declaration that had appeared particularly to have alarmed the Right Hon. Gentleman; that out of the queſtion, however, it was not parliamentary to truſt to any Gentleman's profeſſions, eſpecially where the grounds of faithfully adhering to thoſe profeſſions were expreſsly left hereafter to be diſputed. He reprobated the idea of reſerving the patronage of the Royal Houſehold, and mentioned the Right Honourable Gentleman's having charged his Right Hon. Friend, (when on a former occaſion he quitted office) with having left a fortreſs behind him. The charge was true; he admitted that his Right Hon. Friend had done ſo; but then like a coarſe, clumſy workman, he had built his plan in open day, and retired with his friends, who ſerved without pay, though their ſervices had been long continued. Not ſo the Right Hon. Gentleman over the way; like a more crafty maſon he had collected his materials with greater caution, and worked them up with abundantly more art. Perhaps he had taken the advice of the noble Duke, famous for fortifications, and with the aid of that able engineer, had provided a corps of royal military artificers, and thrown up impregnable ramparts to ſecure himſelf and his garriſon. Mr. Sheridan was extremely ſportive in this part of his ſpeech, and talked of the King's arms flying as a banner on the top of this fortreſs, and the powerful effect of the Right Hon. Gentleman's thundering eloquence from without, and the

the ſupport of the Royal artificers from within, againſt his political adverſaries. He ſeriouſly reprobated the perſon, whoever it might be, that had adviſed her Majeſty to lend her name to ſuch a propoſition as that then made to the Committee; and declared, that, take away the one ground of ſuſpicion of the bad adviſers of the Regent, and the Right Hon. Gentleman had not produced a ſingle argument in ſupport of his ſyſtem. He deſcribed the power that the Ex-miniſter would derive from retaining the patronage of the King's houſehold, and contended, that the pretext that his Majeſty's feelings would be ſhocked, when he recovered and found his houſehold changed, was ridiculous; he ſaid, the bad adviſers of the Regent were to be allowed the power of making War, Peace, Treaties, &c. &c. and the exerciſe of various other important authorities. To talk, therefore, of his Majeſty's feelings, when he ſhould recover and find his houſehold changed, was to ſuppoſe that he would be leſs ſhocked to learn that the Conſtitution of his Country was changed, part of his dominions ceeded to foreign Powers, and other eſſential and important calamities and diſgraces entailed on his country; which was like a man who having been entruſted with the manſion-houſe of a perſon (during his incapacity) to take care of, ſhould ſuffer it to go to ruin, and the winds of Heaven to blow through almoſt every part of it, the encloſures to be broken down, the flocks of ſheep to be ſhorn and expoſed to the ſtorms, and all left to ruin and decay, except a few looking-glaſſes and old worthleſs gilt lumber that were locked up in an old faſhioned drawing-room. He deſcribed the Ex-miniſter coming down to the Houſe in ſtate, with the Cap of Liberty on the end of a white ſtaff, a retinue of black and white ſticks attending him, and an army of Beef-eaters (whom the Maſter of the Horſe, the Lord Steward, and Lord Chamberlain were to be employed in marſhalling) to clear his way through the Lobby. He ſaid, he had lately heard much of the political capacity of a King, but had never heard that the political capacity of a Lord of the Bedchamber was ſo inſeparably connected with his body natural, that if the former were extinct, the latter could not, without difficulty, be found, when his Majeſty ſhould recover and call back his houſehold officers. He obſerved, that Miniſters were deſirous of making it a condition with the Regent that they were to have

no claim upon him, provided the red book remained as it ſtood at preſent; let the Court Kalendar continue unaltered, and the Prince of Wales might be Regent. Having put this pointedly, Mr. Sheridan ſpoke again of the Miniſter's pretended regard for his Majeſty's feelings, and aſked the Right Hon. Gentleman whether he thought his Majeſty would not be hurt, when, upon his returning reaſon he ſhould know in what manner his ſons, the Heir Apparent, and the Duke of York, as well as the other Royal Dukes, had been treated by Miniſters during his illneſs, eſpecially after the gracious declarations they had all heard of in another place. He obſerved, that the Right Hon. Gentleman had admitted the Reſtrictions to be evils, and had diſcuſſed them chiefly on the grounds of expediency; he combated them on that ground, and in the courſe of his argument, declared, he fully admitted the doctrine of the Lawyers, that the political capacity of the Monarch was whole and entire; but that he muſt contend they were acting in direct oppoſition to that principle, and to what had originally made it a principle in our Conſtitution. He ſaid he had no occaſion to reaſon upon the queſtion, it was enough to ſtate his arguments; they were ſo evident, that they needed only to be heard to be admitted as if they were proved. Mr. Sheridan concluded with declaring, that when it ſhould be known by the public, that the motive for ſuch Reſtrictions was no other than becauſe the Prince was going to have another ſet of men than thoſe now in office, they would deſpiſe and deteſt the cunning and the craft that dictated ſuch a crooked and miſerable proceeding!

Mr. Grenville.

Mr. *Grenville* (the Speaker) roſe, and ſpoke as follows: I have not hitherto troubled the Houſe in any of the debates connected with this important ſubject. And certainly, if this were any common queſtion, ariſing in the uſual courſe of government, or relating to the ordinary and accuſtomed buſineſs of Parliament, I ſhould have felt, that under the circumſtances of that ſituation to which the partiality of the Houſe has ſo recently called me, it would have been proper for me, however decided my opinion might be, rather to content myſelf with giving a ſilent vote, than to obtrude myſelf at this time upon the attention of the Committee. But I could not avoid feeling, that the nature of the preſent diſcuſſion is widely different from thoſe which I have ſtated.

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It ariſes from no common occurrence, but from a ſituation awful and calamitous in itſelf, and which is rendered more arduous from the circumſtance of its being nearly unprecedented in the hiſtory of our country. It relates to no ordinary buſineſs, but to the exerciſe of the moſt important right even of a Britiſh Houſe of Commons, to the diſcharge of the moſt ſacred truſt that can be delegated even to the Repreſentatives of this great and free people. Our deciſion upon it involves every conſideration that is moſt intereſting to our feelings as honeſt and conſcientious men; the preſent happineſs and good government of our country; the ſecurity for the continuance of theſe bleſſings to ourſelves; and the preſervation of the deareſt rights and intereſts of our poſterity. Under theſe circumſtances, the more I have conſidered this ſubject, and the more the delays which have recently occurred have given me an opportunity of revolving it over and over again, anxiouſly and fearfully in my own mind, the more I am convinced that this is an occaſion which calls for the avowal of every man's opinion: and that with reſpect to myſelf individually, the ſituation in which the Houſe has done me the honour to place me, as it has not deprived me of the right, cannot therefore have diſcharged me from the duty of delivering my ſentiments in this Committee, and upon this queſtion.

I ſhall, therefore, not trouble you with any farther preface, but proceed to ſtate the opinion which I entertain with reſpect to the Reſolutions now propoſed, and to explain the principles from which that opinion is derived, and the arguments on which it reſts.

In all our deliberations on this ſubject, the firſt ground and foundation to be eſtabliſhed is, the nature of our preſent ſituation, as it reſults from that calamity, from which alone the neceſſity of theſe proceedings has ariſen. It is unneceſſary for that purpoſe to recapitulate the particulars which have appeared in the courſe of our enquiries. The recital would, I am ſure, be painful, not to my own feelings only, but alſo to the feelings of thoſe to whom I ſpeak. It is ſufficient to ſay, that the reſult of thoſe enquiries appears to have eſtabliſhed three Propoſitions. Firſt, The actual inability of his Majeſty to attend to the diſcharge of the ſeveral duties of his exalted ſtation. Secondly, The probability of his Ma-

jeſty's recovery; and Thirdly, The hope that this event, to which we all look with earneſt and anxious expectation, is near at hand, and that his Majeſty's diſorder may probably not be of long duration. The two firſt of theſe propoſitions, are eſtabliſhed by the direct and concurrent teſtimony given by all the phyſicians, as often as they have been examined. With reſpect to the third, we have, indeed, no ſuch direct evidence, becauſe theſe gentlemen have felt a natural reluctance to commit their characters by any preciſe opinion on ſuch a point. But they have ſtated to us facts, from which we are enabled to draw the ſame concluſion with reſpect to the third queſtion, which they have themſelves eſtabliſhed, as reſulting from ſimilar premiſes with reſpect to the ſecond. They have told us, that the greater number of perſons afflicted with this malady have recovered, and that they conclude from thence, that the probability is in favour of his Majeſty's recovery. They have alſo told us, that the greater number have recovered within a ſhort period, and that there are no particular ſymptoms in his Majeſty's caſe which indicate a longer continuance of his diſorder. Applying, therefore, theſe facts, as ſtated by themſelves, to their own mode of reaſoning upon them, we are certainly warranted in drawing the ſame concluſion, that, although the time of the recovery, as well as the recovery itſelf, is in the hands of God alone, yet, that as far as human experience has enabled us to judge, the duration of this calamity will probably not be extended to any diſtant period.

In this ſituation, we have thought it neceſſary in the firſt inſtance to make an authentic and formal declaration of the circumſtance of his Majeſty's preſent inability to attend to public buſineſs. The next queſtion which would naturally ariſe in the mind of every man was this; whether any proviſion had been made by the laws of our country for the caſe of ſuch inability; or if not, in whom, by the ſpirit and principles of the Conſtitution, the power was veſted of providing for this new and unforeſeen emergency? On this point the wiſdom of Parliament has alſo ſpoken. It is, therefore, unneceſſary now to refer to any former diſcuſſions in which it may have been involved; and certainly no argument of mine can add weight to the joint Reſolutions of the Lords and Commons of Great Britain on ſuch a queſtion. But in ſpeaking for

for the firſt time upon this ſubject, I feel myſelf bound to declare, that I ſubſcribe to thoſe reſolutions, not only with the ſubmiſſion which is due to an authoritative deciſion, but alſo with the moſt unqualified aſſent, with the moſt entire and perfect conviction. I conceive it to be among the firſt principles of the Britiſh Conſtitution, that no rights can be claimed or exerciſed as againſt the people, except thoſe only which have been given by known and poſitive laws appearing on the face of our ſtatute book, or proved by immemorial and uninterrupted uſage; and that whatever power or authority has not been ſo conferred, ſtill reſides with the people at large, to be exerciſed by them through the channel of their lawful, full, and free repreſentatives.

Theſe preliminaries being thus eſtabliſhed, the nature of our ſituation clearly aſcertained, and our right and duty to provide for this occaſion examined and aſſerted, with the general concurrence and approbation of our country, it now remains for us to enter upon the diſcharge of this great and important truſt. There is, nevertheleſs, one queſtion which may ſtill ariſe, and which, however it may appear to be precluded by the reſolutions to which we have already agreed, does yet, in one view of the ſubject, come under our conſideration this day, as a point entire and untouched. It is now declared, that this and the other Houſe are alone to provide for any emergency of this nature, and are to make ſuch proviſion for it as the exigency of the caſe itſelf ſhall appear to us to require. Are we then left at liberty in this particular caſe to act according to our own free diſcretion, adhering only to the rules of juſtice and to the general principles of the Conſtitution? or is our conduct in any degree preſcribed, reſtrained, or limited, by the poſitive regulations of any exiſting law? An idea has been ſuggeſted to the public, that although the two Houſes of Parliament conſtitute the only power competent to act on this occaſion, yet that the ſphere of their action is confined within a very narrow limit. That they can lawfully proceed no farther than to call ſome perſon to the exerciſe of the Royal Authority, and that whatever other proviſions the exiſting circumſtances may require, muſt be made hereafter with the conſent of ſuch perſon then repreſenting the Sovereign, and exerciſing, at his own diſcretion, the legiſlative functions of the Crown.

In ſupport of this propoſition, the ſtatute of the 13th of Charles II. cap. 1. has been quoted, by which it is enacted, that any perſon who maintains that the two Houſes of Parliament have any legiſlative authority without the King, ſhall incur all the penalties of a premunire. This act has been much referred to on the preſent occaſion, both as declaratory of the ancient Conſtitution, and as a law ſtill in force, and conſequently binding upon our conduct. It is therefore material to conſider it with attention, becauſe if its operation be really ſuch as has been ſtated, every diſcuſſion of reſtrictions or limitations is in the preſent moment premature, and may hereafter become uſeleſs and nugatory.

For my own part, I have no ſcruple to confeſs that I am not at all moved by the authority of this ſtatute, which I conſider as wholly inapplicable to our preſent ſituation. No one can doubt, that in the ordinary courſe of Government, the principle of that act is binding upon us, as the very foundation and corner ſtone of the Britiſh Conſtitution. When the throne of theſe kingdoms is full, and when the King is perſonally capable of diſcharging the duties of his ſtation, *his* expreſs concurrence is unqueſtionably neceſſary to every act of legiſlative power. But on ſuch an occaſion as the preſent, it appears to me, that the very ſame neceſſity by which we are compelled to act at all, extends itſelf to the manner in which we are to act, ſuperſeding both the letter of this ſtatute, and the principle on which it is founded.

I certainly had the honour to concur entirely, not only with the general principle on which we have aſſerted the right of the two Houſes to provide for this emergency, but alſo with the grounds on which we reſolved that the proper mode of making ſuch proviſion would be, by determining on the means by which the Royal aſſent may be given in Parliament to a bill for eſtabliſhing the Regency. In every ſtep which we take under our preſent circumſtances, it is, in my opinion, extremely material that we ſhould adhere, as far as poſſible, to the eſtabliſhed forms of that Conſtitution, the very forms of which are dear to the hearts of Engliſhmen. And in this particular inſtance I conceive, that the ſignification of the Royal aſſent, by the great ſeal, being that organ through which the authority of the Crown ſpeaks in the moſt ſolemn and authentic manner, is not a point of form only, but follows as a neceſſary conſequence from ſo me of the moſt

moſt important principles of the Conſtitution, which could not be neglected without great and manifeſt danger. But looking to the *ſubſtance* of the duty which we are now called to perform, I can have no difficulty to declare explicitly, that in providing for this emergency, I conceive that the two Houſes of Parliament muſt in reality act in a legiſlative capacity, in ſo far, and in ſo far only, as the neceſſity of the caſe requires: that it would be idle and nugatory for us, in the ſituation in which we now ſtand, to be afraid of words, or not to look to the true ſenſe and meaning of thoſe meaſures which we are obliged to take; and that no diſtinction can, on any juſt principle, be maintained between acts of Legiſlation, properly ſo called, and thoſe proceedings which have always been adopted in caſes of a neceſſity at all ſimilar to the preſent.

If, indeed, there were any force in the objection which has thus been raiſed, it muſt apply equally to every ſtep that can be taken, and the only inference that could be drawn from it, would be, that we were now in a ſituation for which no remedy could by any poſſibility be provided. We have already declared, that we acknowledge no right exiſting in any perſon, however exalted his rank may be, to act in this inſtance on the King's behalf, except under the authority of Parliament. And if it be true, that no act which is ſubſtantially and really of a legiſlative nature can be performed, even in ſuch a caſe as the preſent, by the Lords and Commons of Great Britain alone, it is impoſſible that we can cure this defect by appointing ſome perſon, who deriving his authority from us, ſhall exerciſe the Royal functions in the place of the Sovereign; for whatever form we may adopt, would it not, in truth, be directly and plainly an act of legiſlation to declare, that the force of laws ſhall henceforth be given, and the obedience of the ſubject be duly paid, not to acts of Parliament paſſed by King, Lords, and Commons, but to bills paſſed by the two Houſes, and aſſented to by a Regent, having no authority to give ſuch aſſent except what he derives from our proceedings? In any caſe, therefore, this ſtatute, if it applies at all to the preſent circumſtances, muſt prevent the poſſibility of any legal proviſion being made for this ſituation.—Whether we attempt, by one Act of Legiſlation, to provide for this emergency by ourſelves, without the perſonal intervention

vention of the Sovereign, or whether, by another Act of Legiſlation, we authorize ſome perſon to ſupply the place of the King, and to proceed in concurrence with us, the ſtatute is equally oppoſed as a bar to our proceedings, and no alternative remains, but that of an immediate and total diſſolution of the Government.

On this ground alone I ſhould contend, that ſuch a principle of law cannot exiſt as applicable to theſe circumſtances. And I ſhould urge in ſupport of this poſition the opinions of thoſe writers whoſe names are the firſt in legal weight and authority—particularly that of Sir William Blackſtone; who tells us expreſsly, in arguing on a point immediately connected with this ſubject, that "the neceſſity of the caſe ſuperſedes all law."

But I muſt alſo deſire that this queſtion may be examined upon the example and practice of our anceſtors in two diſtinguiſhed inſtances; the one occurring at the very period of paſſing this ſtatute which I have before referred to; the other within no very long term of years ſubſequent to it. At the Reſtoration, the firſt ſtep which was taken for re-eſtabliſhing the Britiſh Conſtitution was, to declare by a ſolemn reſolution, that the only legal Government of theſe kingdoms reſided in the King, Lords, and Commons. Yet immediately after this declaration had been made by both Houſes, and after they had recognized their true and lawful Sovereign, they proceeded in his abſence to the exerciſe of ſeveral functions, both of legiſlative and of executive Government; not certainly as intending to ſupercede the authority of their King, whom they had ſo recently acknowledged; but becauſe they felt it their duty, both to him and to their country, to perform whatever acts were neceſſary to prepare the way for his return. Such was the conduct of the very ſame Houſes of Parliament who, within a few months afterwards, paſſed, in concurrence with the King, the act in queſtion, declaratory of a principle which is now alledged as precluding us from the free conſideration of the meaſures neceſſary in our preſent ſituation. I cannot but think that we ſhall beſt expound this law by adhering to the conſtruction of thoſe by whom it was made; and that we are at liberty to exerciſe, as they did, our beſt diſcretion and judgment in the behalf of our country, under the circumſtances of a neceſſity, at leaſt as ſtrong as that under which they acted.

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At the memorable æra of the Revolution, this ſtatute was ſtill in full force and vigour, not conſidered as an obſolete law, but as one paſſed not many years before, and founded on the experience of misfortunes ſtill freſh in the recollection of the nation. But if the Convention Parliament had then admitted its operation, as applying to the circumſtances under which they met, it muſt have ſtopped their deliberations in the very outſet, and muſt have raiſed an inſuperable obſtacle to thoſe meaſures to which alone we are indebted for the preſervation of our Rights. Or even if they had thought themſelves at liberty to declare the forfeiture of their Sovereign as an exiſting fact, ariſing from no act of theirs, but from his miſconduct, let it be conſidered what, under the letter of that ſtatute, muſt have been their ſubſequent proceedings? They muſt have acknowledged that the Crown had thereupon immediately deſcended to the next heir of King James; and that without the ſanction and concurrence of their new Sovereign no meaſure could legally be taken by the two Houſes of Parliament. Inſtead of this, they felt themſelves warranted by the neceſſity of the caſe, firſt to ſet aſide the abdicated king; next, to diſinherit his ſon, whether real or pretended, the illegitimacy of whoſe birth, however ſtrongly aſſerted, had not only not been proved, but was not even inquired into by them; and laſtly, in the ſettlement of the Government to introduce a new order of ſucceſſion, diſregarding the ſtrict line of deſcent, even in the perſons of the two next Proteſtant Heirs. What is there which can be a more direct or manifeſt exerciſe of legiſlative authority than each of theſe ſeveral ſteps? The transferring by law the obedience of a whole people from the Sovereign to whom they had ſworn allegiance—the ſuperſeding his immediate heirs, on whom the right to that allegiance deſcended according to the fundamental inſtitutions of the monarchy—the changing the eſtabliſhed order of ſucceſſion to the throne in the exiſting circumſtances—and the impoſing new conditions and limitations on the ſubſequent deſcent of an hereditary crown.—This whole tranſaction, productive of ſuch happy conſequences, appears to me to be unqueſtionably not only an act of legiſlation, but an act of the higheſt legiſlative authority—Juſtified by the neceſſity of the times, and, therefore, ſupported

ported by the concurrence and approbation of the beſt and wiſeſt men, to whom we owe the preſervation of our liberties.

It appears, therefore, on a full conſideration of this part of the ſubject, that the ſtatute in queſtion, and the principle which it declares, have no reference to an occaſion like the preſent. That no other conſequence could reſult from them, if applied to ſuch a caſe as this, but an immediate diſſolution of the whole frame of government; and that for this reaſon they were not conſidered as obſtacles to the proceedings of Parliament, either at the Reſtoration by the very perſons who paſſed the law itſelf, or at the Revolution by thoſe illuſtrious men, who then placed our Conſtitution on thoſe foundations on which it is now eſtabliſhed.

Another argument has, however, been urged againſt our proceeding to provide a remedy by our own authority to the whole extent of what the preſent emergency may be thought to require. An apprehenſion has been ſtated, that ſuch a claim might be extended in preſent beyond the neceſſity of our ſituation, or might hereafter be uſed againſt the Sovereign himſelf, and to the ſubverſion of our happy Conſtitution. To this it might be anſwered, in the firſt place, that no juſt argument can be drawn from the poſſible abuſe of any power, againſt the right to uſe it in a regular manner, or to apply it to the illegitimate purpoſe for which it was given. Such a mode of reaſoning would go at once to ſap the foundations of all authority, and to deſtroy with one blow all the moſt beneficial inſtitutions of human wiſdom.—A tyrannical King, and a corrupted Parliament, might uſe their power of legiſlation for the purpoſe of annihilating every trace of our laws and liberties. But ſhall we, therefore, ſay, that by the Britiſh Conſtitution the power of Legiſlation does not reſide in the King, Lords, and Commons? Or, if not, how is it more reaſonable to argue againſt the exiſtence of a right in the two Houſes to provide, when neceſſity requires it, for the ſecurity and welfare of their country, becauſe they might, in a different ſituation, act in a manner prejudicial to theſe important intereſts?

There is, however, another anſwer applying more immediately to the particular queſtion which we are now diſcuſſing.—The principle which the two Houſes of Parliament maintain, and have declared

declared by their joint reſolutions, is this; that our right to act in this inſtance in a legiſlative capacity, being created by the neceſſity of the caſe alone, is alſo limited by that neceſſity.—— Whenever the ſame neceſſity ſhall hereafter ariſe, we ſhall have no reaſon to fear any evil conſequences from the exerciſe of the ſame right. Whenever the right ſhall be claimed without the exiſtence of ſuch neceſſity, or whenever its exerciſe ſhall be preſſed beyond the occaſion which requires it, the claim will not only be unſupported by theſe proceedings, but will be in direct contradiction to the expreſs principle on which we reſt our conduct. Let it, therefore, be remembered, in diſcuſſing this queſtion, that it is not by adhering to the line which we have laid down for ourſelves, that we ſhall give juſt ground for ſuch apprehenſions as have been ſtated; but that it is by departing from it, by exceeding the limits of the neceſſity which creates our right to act, and by conferring powers beyond the warrant of that occaſion, by which alone we can be juſtified in delegating to another any portion of the conſtitutional authority of the Sovereign.

The only remaining objection to the preſent proceedings of the two Houſes ariſes from comparing them with the particular meaſures adopted at the periods which I have already mentioned; and from ſhewing that they differ from theſe, and eſpecially in this reſpect, that no conſideration of limitations or reſtrictions on the Regal power was entered into by Parliament, previous either to the Reſtoration of Charles the Second, or to the Act which placed King William on the throne of England. It ſeems to me that this ground of argument is entirely removed by the application of the principle which I have juſt ſtated, and which is eſſential to every part of this ſubject. The ſeparate interference of Parliament in thoſe caſes could with propriety be carried no farther than the bounds of that neceſſity in which it originated; and whatever difference exiſts between thoſe proceedings, and our preſent meaſures, ariſes entirely from the different circumſtances for which we are now bound to provide.

At the period of the Reſtoration the neceſſity under which our anceſtors acted, required no more than this only, that they ſhould acknowledge on the behalf of their country the juſt title of their lawful Sovereign, and that they ſhould prepare the way for his immediate

mediate return, to take upon him the adminiſtration and government of his kingdoms. Their meaſures were therefore confined to theſe objects, to provide for a period of a few weeks at fartheſt, which might elapſe before the arrival of their Sovereign, and to remove thoſe obſtacles to his return which had been created by the preceding uſurpation. They might naturally feel, that it would afterwards be a fit ſubject for Parliament to conſider what proviſions were beſt calculated to remove the grounds of former jealouſies between the Sovereign and his people. But theſe queſtions were wiſely poſtponed till after the Reſtoration of the Monarchy itſelf. Juſtice required that the King ſhould be replaced in the full poſſeſſion of that authority of which he had been unlawfully deprived; and every motive of ſound policy made it deſirable, that the re-eſtabliſhment of the ancient form of government ſhould not be delayed, nor the favourable moment neglected, which, if it had been ſuffered to paſs away, might perhaps never have returned.

We are next to conſider what was the ſituation and conduct of Parliament at the æra of the Revolution. And it is the more neceſſary to do this with accuracy, becauſe that enthuſiaſm which every Engliſhman ſo juſtly feels at the recollection of this event, appears to have induced ſome conſiderate and reaſoning men to wiſh that we ſhould not only adopt the leading principles of that tranſaction,—principles to which we cannot too often recur—but that we ſhould alſo adhere to the exact forms of thoſe proceedings, in points in which they appear to me by no means to apply to the circumſtances of the preſent caſe. With this view it has been propoſed to us, not as a duty reſulting from any principle of law, (in which light I have already conſidered it) but as a point of expediency, that we ſhould copy the precedent of the Revolution by addreſſing the Prince of Wales to take upon him the exerciſe of the Royal Authority; and that we ſhould then proceed with his concurrence and aſſent to the eſtabliſhment of ſuch limitations as the circumſtances may appear to require. But in order to ſee how clearly this example is inapplicable to the preſent caſe, we have only to examine what was the nature of that neceſſity under which our anceſtors were compelled to act at that memorable period. They were to ſupply the vacancy of the Throne, occaſioned by the forfeiture of a Sovereign who

who had violated the fundamental laws, and had laboured to subvert the Conſtitution and Religion of his kingdom. They were to provide for the immediate adminiſtration of the Government which he had abdicated, and which would otherwiſe have fallen into utter and irretrievable confuſion. But they had another and a more important duty, which they owed to themſelves and to their poſterity, and in the diſcharge of which they hazarded every conſideration of perſonal intereſt, and perſonal ſafety. The preſervation of our Laws, Religion, and Liberties had rendered it neceſſary for them to drive their Sovereign into exile.—A ſtill ſtronger neceſſity required that they ſhould effectually provide againſt the revival of that inauſpicious ſyſtem which he had purſued; and that they ſhould eſtabliſh their new Government on ſuch a firm and ſolid foundation, that he might never afterwards be in a ſituation to re-aſſume his authority, to revenge himſelf on thoſe who had ſtood forward to oppoſe his tyranny, and to ſeize ſome more favourable opportunity for deſtroying the Conſtitution and overthrowing the Religion of the country. Under ſuch circumſtances as theſe, there was but one ſtep that could be taken with propriety or ſafety.—To place the Crown immediately, with all its full power, prerogative, and authority, on the head of the Prince of Orange, the only perſon who could, by the wiſdom of his councils and the vigour of his arms, defend the nation againſt any attempts, whether originating at home or abroad, to reſtore the former Sovereign to the exerciſe of an authority which he had ſo juſtly forfeited.

If we compare theſe tranſactions with our preſent ſituation, we ſhall ſee that they have but one point in common; namely, the right and duty of the Lords and Commons to provide legiſlatively for thoſe caſes where the concurrence of the three branches of the Legiſlature cannot by poſſibility be obtained. But that with reſpect to the particular circumſtances of this day, the neceſſity which compels us to act, and by which our mode of acting muſt be regulated, has no relation to that which exiſted at the Reſtoration, and is in every material circumſtance oppoſed to that of the Revolution.

The duty which is now incumbent upon us is not, as in the firſt caſe, that of putting a King into the immediate poſſeſſion of an authority which has devolved upon him by the courſe of inheritance,

ritance, and the limits of which are clearly aſcertained by the exiſting laws; but it is that of creating a new and delegated truſt, to be exerciſed for a temporary purpoſe, and to be veſted in an office unknown to the Conſtitution of the country.

Nor are we, as in the other caſe, called upon to ſupply a vacancy in the Throne, by the election of a Sovereign, or to preſerve our laws and liberties by placing the ſceptre in thoſe hands moſt likely to maintain it againſt its former poſſeſſor.—We are to conſider by what perſon, in what form, and with what degree of authority it may be proper that the government of this country ſhould be adminiſtered, during the continuance of the indiſpoſition of our Sovereign, and how it may be reſtored to him without delay or difficulty immediately upon the happy event of his recovery. In deliberating upon this ſubject, we ſhould always bear in mind, that the Throne is not vacant, but full; that it is filled by a Monarch whoſe virtues have juſtly endeared him to his people; and whoſe ſpeedy reſtoration to his health is not only the end to which all our wiſhes and prayers are directed, but is alſo an object of rational and well-founded hope.—Inſtead, therefore, of haſtening as at the Revolution to create, and to ſtrengthen a power which may effectually prevent his re-aſſuming the Government, we are bound by every conſideration of allegiance to him, and of concern for our country, to adopt a line preciſely the reverſe of this. We are bound to conſider well the nature of our ſituation and the conſequences of our conduct, and to weigh the effects of every ſeparate ſtep we take, before we can feel ourſelves at liberty to give into other hands any portion of the ſupreme and ſovereign authority of theſe kingdoms.

It is, indeed, an arduous and awful duty, which is impoſed upon us by this calamity. The guardianſhip of the rights of our Sovereign, the care and preſervation of his juſt prerogatives, have, under the affecting circumſtances of the preſent moment, devolved upon the Repreſentatives of his faithful people. We ſhould certainly not be unmindful of this ſacred truſt, even if we were animated only by our feelings towards him, to whom we are bound not only by the ties of duty and allegiance, but alſo by thoſe of national attachment and national gratitude. But if we wanted an additional inducement to the diſcharge of ſuch a duty,

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it would ariſe from this conſideration, that we cannot in this inſtance be wanting to our Sovereign, without being in the ſame degree wanting to the moſt eſſential intereſts of our conſtituents and our country. We are attached, and we have infinite reaſon to be ſo, to that part of the Britiſh Conſtitution, by which the Crown of theſe kingdoms is declared to be hereditary. The miſchiefs of a contrary form of government are ſo univerſally known and acknowledged, that it would be unpardonable to waſte the time of the Committee, by dwelling on ſuch a topic.—But let it be remembered, that every argument which can be uſed in favour of hereditary monarchy, applies with greater force to the maintenance of this propoſition, which is eſſentially a part of the ſame principle, that during the life of the Sovereign he cannot, except by his own miſconduct, be diveſted of his conſtitutional authority. All the confuſion, diſcord, and anarchy, which are inſeparable from the inſtitutions of an elective kingdom, would unqueſtionably be found to exiſt in a ſtill greater degree, if there could be ſuppoſed a country where the Sovereign was liable, by reaſon of any temporary diſability, to be removed from his exalted ſituation, and to make way for the appointment of his ſucceſſor. And it is well worthy of our conſideration, that the more ſtrongly we recognize the right of inheritance to the Crown in the event of a demiſe, the more eſſential it becomes to guard with the utmoſt jealouſy againſt the admiſſion of any principle which leads to the aſſertion of ſuch a right when there is no demiſe, and againſt the adoption of any meaſure which might afford the means of ſuperceding the King's authority during his life, under the name and influence of that perſon on whom his Crown would in the courſe of nature legally devolve.

In touching upon this part of the ſubject, however ſtrongly I may feel and expreſs the neceſſity of providing the fulleſt ſecurity for the permanent authority of the King, I truſt I ſhall not be conſidered as caſting any imputation upon the character of his Royal Highneſs the Prince of Wales. I think myſelf bound to argue this queſtion upon very different grounds. If there is any one circumſtance which ſerves above all others, as a land-mark, to diſtinguiſh, and at the ſame time to maintain the boundaries between a free and an arbitrary government, it is this; that in

deſpotic countries, whatever complaints are made againſt exiſting grievances, whatever precautions are ſuggeſted againſt the repetition of former evils, whatever ſecurities are deſired againſt the further progreſs of oppreſſion, are conſidered as ſo many perſonal reflections on the character of the Prince, in whom reſides the whole power and authority of the country. In theſe kingdoms we have eſtabliſhed it as a principle of our Conſtitution, that the firſt executive Magiſtrate has no perſonal ſhare in the miſconduct of his government—And it is not only our right as Engliſhmen to diſcuſs theſe points in a manner diſtinct from any conſideration of the character of the Sovereign, but as Members of this Houſe it is made our duty ſo to do, by the poſitive laws and inſtitutions of Parliament. I ſhall, therefore, not enter here into any panegyric on his Royal Highneſs, becauſe it would be foreign from the view which I entertain of the preſent ſubject, and becauſe I think that in this Committee it would be extremely miſplaced. I muſt, on the other hand, deſire it to be underſtood, that the dangers againſt which I think it neceſſary to guard, and the precautions which I wiſh to be adopted for that purpoſe, have no perſonal reference to his Royal Highneſs; but are grounded on this ſuppoſition, on which we have always proceeded with reſpect to our Sovereigns themſelves, that they may by poſſibility be miſled by the councils of men who may abuſe their confidence. And I am ſure it muſt be felt, that unleſs we are at liberty ſo to argue, we ſhall have ſacrificed to empty compliments all the moſt important functions of Parliament, both now and hereafter.

Thinking it, therefore, unneceſſary to dwell any longer on this point, I wiſh to recal the attention of the Committee to the principle which I have already ſtated.—That it is an eſſential and indiſpenſable part of our duty in the preſent circumſtances, at the ſame time that we eſtabliſh a form of government capable of conducting the public buſineſs with energy and effect, to provide a complete and ample ſecurity for enabling his Majeſty, whenever it ſhall pleaſe God to reſtore him to his health, to re-aſſume the exerciſe of his authority fully, freely, and without embarraſſment. Our Anceſtors have acted on the ground of a ſimilar duty in the caſe of every Regency which has hitherto exiſted in this country, as far as we can trace them with any degree of accuracy, either in

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the records of Parliament, or in the annals of our hiſtory. For, if we except the two inſtances of Richard the Third, and of the Protector Somerſet, (which are both ſuch evident uſurpations that no ſtreſs can be laid upon them,) it will be found, that during the courſe of many centuries, no ſubject in theſe realms, however nearly allied to the perſon of the King, has been permitted in any caſe of infancy, or diſability, to exerciſe the whole prerogative and authority of the Crown. The mode of reſtriction has, indeed, for the moſt part, been different from that which is now propoſed; but the principle has been the ſame: that in the eſtabliſhment of a Regency, it is neceſſary not to look excluſively to the ſtrength and efficacy of the intermediate and temporary government, but to conſult at the ſame time, the permanent intereſt and ſecurity of the King, in whoſe name and on whoſe behalf the authority ſo given is intended to be exerciſed. There is no diſtinction on which it can be argued, that this principle, which has been uniformly adopted in the caſe of the minority of the Sovereign, is leſs applicable to the circumſtances under which we are now placed. Perhaps it would not be difficult to aſſign ſome reaſons for thinking that it applies with much greater force to the preſent caſe, and that in the conſideration of the meaſures now to be adopted, it might with propriety be carried a great deal further than in any former inſtance. But without entering into this, which might lead to an unneceſſary diſcuſſion, it is ſufficient to have eſtabliſhed, that the principle of limiting the power of a Regency, with a view to the future ſecurity of the Sovereign, has been felt and acted upon in every caſe which has hitherto occurred, and is almoſt coeval with the conſtitution of the Monarchy itſelf.

I have, however, already admitted that the mode in which this has been done, has uſually been different from that which is now propoſed. The whole powers of the Crown have, for the moſt part, been called into action, though I believe it might be ſhewn that this has not always been the caſe; but they have not been given to any one ſubject: they have been divided among a variety of perſons, differing in rank, ſituation, and deſcription, and whoſe jarring intereſts have been thought to afford the beſt ſecurity, that they would not concur in meaſures prejudicial to the authority of the Sovereign. And with reſpect to this point, which relates not

to the principle, but to the manner, of limitation, it certainly becomes our duty to proceed with a more than ordinary degree of deliberation, caution, and doubt, when we are desired to depart from the authority not only of a remote antiquity, but even of recent precedents, established by persons eminent for their integrity and wisdom.—For my own part, however, though wishing to speak with all the respect which I owe to those precedents, I cannot but say, that I have very serious doubts whether the two last Regency Bills were well adapted to the circumstances of the times in which they passed. But this at least I may assert with greater confidence, because I know I am supported in it by the general opinion of this House and of the Country, that in the present case, the establishment of such a form as is there provided, would have been productive of infinite mischief, without being compensated by any one real advantage. We are, I believe, all agreed, that the government of these kingdoms should, during this unhappy interval, be committed to the administration of one person, and that it is extremely desirable that this person should be his Royal Highness the Prince of Wales. But if by general consent we depart in this respect from the practice of our Ancestors, it surely cannot be reasonable to argue, that we are, therefore, bound to adhere to it in another point so intimately connected with the former. It cannot be a just conclusion to say, that because they committed the whole authority of a King into the hands of a Regent, controuled and fettered by a fixed and permanent council, it is proper for us to delegate the same power to a single person, unrestrained by any similar check. It seems, on the contrary, that the more widely we depart from one line of limitation and restraint, the more we are bound to look to some other mode of carrying the same purpose into effect; unless indeed we reject, as useless and improper, the whole principle of providing a security for the rights which are hereafter to be exercised by the Sovereign himself, in the happy event of his recovery.

Those who hold that principle to be founded both in wisdom and in justice, must make their option between the two propositions, of a Regent controuled in the exercise, or limited in the extent of his authority. Of these I have no doubt in saying, that the latter is infinitely more agreeable to the true spirit of the British Constitution.

tution.—That whatever degree of political authority is fit, under any given circumſtances, to be exerciſed for the purpoſes of executive government, ſhould be exerciſed by a ſingle perſon; and that wherever any juſt ground of danger is found to exiſt, it ſhould be guarded againſt, if poſſible, by limiting the extent of the power ſo exerciſed, rather than by dividing amongſt many what cannot with propriety be entruſted to one. Such is the principle on which Parliament has proceeded, at different periods, to diminiſh the influence of the Crown itſelf; not holding it neceſſary, as a general propoſition, that the ſame degree of power or influence ſhould at all times belong to the executive government; but thinking it their duty to conſider and regulate this point according to the fluctuation of the various circumſtances by which it has been affected. In this manner the Houſhold of the King has within theſe few years been regulated by the authority of Parliament; and in proportion as circumſtances appeared to require it, the number of placemen ſitting in this Houſe, and the influence of the officers of government in elections, has at different times been reſtrained by our interference. The application of the ſame principle to our actual ſituation is much ſtronger, and I am ſatisfied in my own mind, that it affords not only the moſt conſtitutional, but alſo the moſt advantageous mode of providing that ſecurity, which in the preſent caſe is of indiſpenſible neceſſity.

It is by no means a juſt concluſion, either from the theory or practice of the Britiſh Conſtitution, or from any general principles of Government, that the ſame powers which may be entruſted with propriety to the permanent authority of a King, are equally fit to be committed to thoſe hands which are to exerciſe the temporary and delegated functions of a Regent. The proviſions which reſpect the prerogatives of the Crown in this country, are adapted to the ordinary courſe of an eſtabliſhed Government, and are calculated for a long continuance. Becauſe if Parliament were in the conſtant habit of regulating and directing the exerciſe of the prerogatives of the Crown, thoſe prerogatives would in fact become the prerogatives, not of the Crown, but of Parliament itſelf. It is therefore juſt and prudent that in apportioning theſe, a due conſideration ſhould be had, not of the neceſſities which exiſt at any one preciſe moment, but of thoſe which may be likely to ariſe

within a conſiderable compaſs of time. But in the eſtabliſhment of a Regency the caſe is directly the reverſe. We are to look not to the general exigencies of Government, but to thoſe occaſions which may probably exiſt during the period for which the ſyſtem ſo provided is intended to continue. And as, for this reaſon, there may frequently be much leſs ground to juſtify the grant of particular powers, ſo on the other hand there will almoſt always in ſuch a caſe be infinitely more temptation to abuſe them. The permanent intereſt of a Sovereign will frequently operate as a reſtraint on him, in thoſe very points where the poſſeſſor of a temporary authority, however near to the Crown in proſpect or expectation, will feel himſelf moſt deſirous, and will moſt ſtrongly be urged by others, to exceed the limits of a juſt and ſound diſcretion.

It is on this ground that I am induced to think that a juſt limitation of the Regent's powers will not be injurious to the preſent welfare and proſperity of the Country, while it is at the ſame time indiſpenſibly neceſſary to our future ſecurity and happineſs. But there is another topic which belongs to this part of the ſubject, and to which I wiſh to be permitted to call the particular attention of the Committee, entreating them to give to it that ſerious conſideration which I think it claims from every good citizen. The evils which would ariſe hereafter, if on the King's recovery we ſhould be found to have neglected the juſt ſecurity of his rights, may perhaps preſent themſelves to the minds of ſome gentlemen with a leſs degree of force, in proportion as they may poſſibly conſider them to be more remote. The duty which we owe to the future intereſts of the King has, however, a ſtrong and immediate bearing upon the happineſs, tranquillity, and good government of theſe kingdoms under the ſyſtem which is now to be eſtabliſhed. The eyes of all Europe are turned to the deliberations of this Houſe. The attention of the people of Great-Britain is more particularly directed towards us, becauſe they feel that we have taken upon ourſelves to act for them in this arduous and delicate ſituation, and to exerciſe on their behalf the moſt important of all their privileges. They have admitted and recognized the right which we aſſert; they look to us for the diſcharge of the duty, the obligation of which we acknowledge. Let us then, as we value the continuance of this harmony and confidence, be particularly careful that we do

not

not overſtep the bounds of our authority.—That we give no grounds for imputing to us that we have exceeded the limits of the neceſſity under which we claim to act; and that we have granted powers which it did not belong to us to delegate. Let us alſo pay a juſt regard to thoſe ſentiments of dutiful and zealous attachment to their Sovereign with which we know that our Country is animated. Let no breath of ſuſpicion go forth into the world that we have been wanting to the ſame feelings; that in ſuch a moment as the preſent we have deſerted our duty to the King, or ſacrificed to any conſiderations the ſacred truſt which his misfortune has impoſed upon us.

If unhappily a contrary impreſſion ſhould prevail, what muſt be its effect upon the minds of a generous and loyal people? I aſk not what would be their conduct when the occaſion would ariſe for which we had neglected to provide, but what would be the preſent ſecurity of a ſyſtem built on ſuch foundations? It is a falſe and miſtaken opinion, that the ſtrength and ſtability of Government are increaſed by the exerciſe of powers inconſiſtent with the principles of juſtice, or repugnant to the feelings of mankind. The reverſe is true—*Nec unquam ſatis fida potentia ubi nimia eſt.*

Sir, I feel the delicacy of this part of the ſubject, and if I had not alſo felt its infinite importance, I ſhould have forborne to touch upon it. I truſt it will never juſtly be imputed to me, that I am forward in raiſing up a ſpirit among the people to queſtion thoſe meaſures which have received the ſanction of Parliament. But we cannot avoid being ſenſible that the ſtrongeſt ſecurity for their acquieſcence in our proceedings, eſpecially under ſuch circumſtances as now exiſt, is an adherence on our part to the principles of juſtice, and a conſcientious diſcharge of the duties which are incumbent upon us. If therefore I have felt myſelf bound to ſuggeſt theſe reflections to the Committee, it is becauſe I feel a jealous concern for the honour and dignity of this Houſe; it is becauſe I feel an anxiety for the preſervation of that reſpect and deference from the people to the deciſions of Parliament, which is at all times neceſſary for the proſperity and glory of this Country, but which in the preſent moment I do in my conſcience believe to be abſolutely eſſential to the maintenance of our internal and domeſtic tranquillity.

Therefore, Sir, upon all theſe grounds,—on the full conſideration of the extent of that neceſſity by which we are empowered to act—of the example of our anceſtors, whoſe ſteps we follow—of our duty to our Sovereign, of whoſe rights we, and we alone, are the true guardians and protectors—and of our concern for the intereſts of millions of our fellow-ſubjects, whoſe deareſt intereſts are now excluſively committed to our care; I feel myſelf enabled and called upon to give a decided opinion in favour of a Regency limited with reſpect to power.

It remains for me to conſider the ſeveral Reſtrictions which have been this day propoſed. My opinion with reſpect to theſe follows ſo much from the principles which I have already ſtated, that I ſhould feel it unneceſſary to enter into any more particular detail of reaſoning concerning them, if I were not deſirous, on every part of this important ſubject, to ſpeak my ſentiments diſtinctly and unequivocally. I agree with the Reſolution which reſtrains the power of creating Peers—and I do it on two ſeparate grounds. Firſt, becauſe I am clear, that during the ſhort period for which we are now providing, no inconvenience whatever can reſult from the ſuſpenſion of this branch of the prerogative of the Crown: that there is, for this reaſon, no neceſſity for our delegating this power to any other hands; and that we have, therefore, according to the principle on which I have before enlarged, no right to confer it on the Regent. But there is in the ſecond place a more important conſideration which applies to this ſubject. Of all the powers of the Crown, this is the moſt liable to be abuſed under a delegated and temporary Government; and it is alſo that from the abuſe of which the moſt injurious conſequences would ariſe to the permanent intereſt of the Sovereign. The power to create at diſcretion a laſting influence on the deliberations of one of the branches of the Legiſlature, is a prerogative of ſo high a nature, that nothing but a ſtrong neceſſity would juſtify that principle of the Conſtitution, which has placed it in the hands of the Sovereign himſelf. As exerciſed by him, it is, however, ſubject to this reſtraint, that the miſchiefs attendant on its abuſe, operate againſt the peace and ſecurity of that Government, of which the King is not only in actual poſſeſſion, but which he is to retain for the whole period of his life, and which he can have no intereſt to

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weaken or embarraſs. The caſe of a Regent is widely different. If we ſuppoſe him unhappily to be miſled by the councils of men deſirous of availing themſelves of a ſhort interval of authority, in order to eſtabliſh for themſelves an influence in the State, paramount to that of their Sovereign, what other mode could be ſo naturally reſorted to for this purpoſe, as the abuſe of this particular branch of the prerogative? How could they hope more effectually to ſecure the continuance of their own power, than by retaining the means, if not of preventing the King's return to the exerciſe of his authority, at leaſt of embarraſſing and thwarting him in every inſtance in which he might feel it his duty to counteract their views of perſonal intereſt or ambition. It may, indeed, be ſaid, that the ſame reſtraint which I have before mentioned, as operating on the exerciſe of this power by the Sovereign himſelf, does, in ſome degree, apply to it, even in the hands of a Regent. And this might be true in the caſe of a Regent whoſe authority was permanent, or even certain in its duration. But let it be conſidered, that in the preſent caſe, exactly in proportion as the probability of the King's recovery increaſed, the force of this reſtraint would gradually be weakened, and the temptation to the abuſe would grow more powerful. The perſons who adviſed the Regent would then feel it leſs likely that the conſequences of any miſconduct of theirs in this reſpect, would be injurious to the Government in their own hands, and they might, perhaps, imagine that they had an intereſt in the miſchiefs which it would entail on the ſubſequent adminiſtration of the Sovereign. The conſideration, therefore, of the ſhortneſs of the interval for which we now provide, ſerves at once to ſhew, that no neceſſity can exiſt for giving this power; and to afford a great additional weight to the apprehenſion of danger reſulting from it. In the preſent moment, I can entertain no doubt that the granting it would exceed the limits of our authority, and that even if that were not the caſe, it would be the duty of Parliament to withhold it on grounds of expediency.

The limitation which would prevent the Regent from anticipating the King's authority by reverſions, and from fettering it by the grant of offices for life, is a part of the ſame principle which has juſt been ſtated; and though in its conſequences certainly not of

equal

equal importance, is nevertheleſs in my opinion highly neceſſary to be adopted.

The propriety of the reſtraint on the diſpoſal of the real and perſonal property of the King is admitted on all hands, and is founded on the ſame principle which would be adopted in the caſe of any other individual in ſimilar circumſtances.

The only remaining queſtion is that which relates to the fifth of the Reſolutions opened to us in the beginning of this debate. That the care of his Majeſty's perſon ſhould be entruſted to the experienced virtues, to the anxious and long-tried affection of the Queen, is, in my opinion, ſelf-evident on every ground of public duty and of private ſentiment, in a caſe where even private ſentiment ſhould not be diſregarded. As a point intimately and inſeparably connected with the diſcharge of this intereſting truſt, the care and ſuperintendance of his Majeſty's Houſhold muſt be inveſted in the ſame hands. The only doubt, indeed, which could ariſe upon this ſubject would be, whether under the preſent circumſtances, the exiſting eſtabliſhment ought to be maintained; but if maintained, it can be put under no other direction than that to which the care of his Majeſty's perſon is entruſted. For that any other authority ſhould be ſuffered to interfere in points ſo immediately connected with this duty, and that the domeſtic uneaſineſs inſeparable from ſuch a ſyſtem, ſhould be allowed to add to the weight of the ſevereſt affliction, is, I am ſure, an idea too ſhocking to be entertained by any of thoſe perſons whom I addreſs in this place.

The propoſition of reducing the King's eſtabliſhment in the preſent moment would, however, as it appears to me, be ſcarcely leſs repugnant to the feelings of a generous People. The ſmalleſt degree of reflection upon this ſubject, muſt render it impoſſible that we ſhould reconcile our minds to ſuch a ſtep. It will certainly be felt to be inconſiſtent with the ſentiments which we all entertain towards our Sovereign, even if we could be aſſured that he muſt always remain unconſcious of the diſregard which he would thus have experienced from the Repreſentatives of the Britiſh nation. But if we carry our eyes farther and look to that happy period to which our wiſhes and our hopes are turned, what a picture muſt then preſent itſelf! Let us, if we can, imagine what muſt be his

feelings

feelings in ſuch a moment as that, when he is told that his Parliament has availed itſelf, with eagerneſs and avidity, even of the ſhorteſt interval, to new-model the offices attendant on his perſon, and by a miſerable œconomy, to degrade their Sovereign from thoſe circumſtances of ſplendour which belong to the rank in which he was born, and to the ſtation which he ſtill occupies.

But, Sir, this is not all, though I truſt this is infinitely more than ſufficient to rouſe the feelings of every Engliſh heart. We profeſs in our deliberations here, and we have publiſhed it to the Country in our reſolutions, that we mean to eſtabliſh a ſyſtem which is to continue only during the King's indiſpoſition. If we are ſincere in this declaration, we ſhall be careful to keep alive among the people at large, the impreſſion of that allegiance, which is ſtill due to him, and to him alone. Can we believe that it is conſiſtent with this purpoſe, to withdraw from him every mark of dignity, every external circumſtance by which he is diſtinguiſhed as an object of reſpect, and to reduce him in this inſtance to the ſame level with every common ſubject?

We know, and it will not be diſputed, that the ſplendour which attends our Monarchs in the exerciſe of their authority is not created for an empty pageant; is not given to gratify an idle vanity, which they would be aſhamed to feel; but is eſtabliſhed for ſolid reaſons of ſound policy. It ſerves to mark and to define that rank in which the Conſtitution of this country has deſigned them to ſtand. It ſerves to create reſpect among the people at large, and to impreſs continually on their minds thoſe ſentiments of habitual reverence which are juſtly due to the higher attributes of Royalty. I mean not certainly to compare theſe external circumſtances with the real and ſubſtantial dignity of a King—with the power of adminiſtering Juſtice in Mercy, or with the power of conferring happineſs on millions of his fellow-creatures. But if there exiſts a ſituation under which our Monarch is for a time unhappily debarred from a perſonal exerciſe of theſe beſt prerogatives of his ſtation, is it not rather an additional reaſon for continuing to him the outward forms and enſigns of Sovereignty? I truſt and believe, that the ſentiments which his virtues have inſpired, are ſo deeply rooted in the hearts of all his ſubjects, that no length of time that could elapſe, no misfortune that could overwhelm him,

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no diſregard under which he could be ſuffered to fall, would weaken their attachment, diminiſh their affection, or repreſs the ardour of their loyalty. But ſurely, we ſhall not feel ourſelves at liberty, from theſe conſiderations, to neglect the natural and obvious means of preſerving in the country a juſt remembrance of his rights. We muſt be ſenſible that every wiſe motive which before induced us to maintain the ſplendour and dignity of his exalted rank, has, from the circumſtances of his actual ſituation, acquired an additional and ſtronger claim to our attention. Even if our preſent hopes ſhould be diſappointed, and if by the continuance of this calamity we ſhould hereafter find ourſelves compelled to reſort to a new arrangement in this reſpect; yet let it never be forgotten, neither at this, nor at any other period of his life, that the duty which we are this day to diſcharge, is not that of electing a King to reign over us in his ſtead, but that of creating a delegated truſt to adminiſter the Government during *his* indiſpoſition, in *his* name, and on *his* behalf.

I have now, Sir, treſpaſſed upon the attention of the Houſe much longer than I have done at any former time, or than I had intended upon this occaſion. The nature of the ſubject, its extent, its conſequences, and the deep impreſſion which it has made upon my mind, muſt be my apology. The queſtion is one of the moſt intereſting that has at any time been agitated within theſe walls. It is probably the moſt important that will ever occur during the courſe of my life.—And ſure I am that there will be no moment of it, at which it will not be a ſatisfaction to me to reflect, that I have diſcharged this high and ſacred duty, faithfully and conſcientiouſly, without reſpect of perſons, or conſideration of intereſt, and looking only to that allegiance which I owe to my Sovereign, and to that concern which is due to the peace, proſperity, and happineſs of my country.

Mr. Welbore Ellis. Mr. *Welbore Ellis* ſpoke ſtrenuouſly againſt the Reſtrictions, and contended that there was a double reſponſibility, while the whole of the prerogatives were in the hands of the Regent, whereas withholding any, withheld ſo much reſponſibility.

Mr. Drake. Mr. *Drake* complimented Mr. Sheridan on the fire of his genius, and the poower of his eloquence. Mr. Drake ended with a Parliamentary prayer for the Prince of Wales.

Colonel

Colonel *Fullarton* said, he did not mean to enter into the various particulars which had come before the Committee. He rose to speak to two points only; those points had no connexion, he said, with Lords of the Bedchamber, nor with the examination of Physicians, nor with Philip of Macedon, who seemed so intimate an acquaintance of a noble Lord, (Belgrave) nor with the evidence of Dr. Willis; they referred solely and directly to the established principles and practice of the Constitution, and, he trusted, would be found of material consequence to the decision of the great question then before the Committee. In the first place, he understood it to be the declared opinion of the Chancellor of the Exchequer, that all the powers and authorities belonging to the Crown, attached as it were to the person of the Sovereign, that they remained entire in the King, although he was incapacitated from the personal exercise of them, and that in contemplation of law, the political capacity of the King continued perfect, and could neither suffer diminution nor defect. Col. Fullarton said, that if by this technical phraseology was meant, that all the powers and authorities of executive Government, remained entire in the person of the King, during his incapacity, in such a way, that he should of *right* exercise the same, as soon, and as long, as he was capable of exercising them personally, and that, while he should not be capable of exercising them personally, they should be exercised *in trust* for him: if that was the meaning of the Right Hon. Gentleman's expressions, no person could be more ready to subscribe to that doctrine than he was; but if by the contemplation of law, and the political capacity of the King remaining entire, when his faculties were not entire, was meant, that the powers and authorities of executive government might remain dormant, unemployed, unproductive for the public service, as long as the King was incapacitated from the personal exercise of them; if that was the meaning of the expression, they were doctrines, which in the language of the Right Hon. Gentleman, on another occasion, deserved to be treated as *treason* against the State. Would any man, he said, who pretended to the slightest respect for the Constitution, venture to declare, that the powers and authorities of Government were to be considered as the mere property of the Sovereign? That they were to be considered, like the Stole, or the Wardrobe,

Col. Fullarton.

Wardrobe, or the Privy Purſe, as things meant for the perſonal uſe, pleaſure, and convenience of the Sovereign; and that when he is incapable of uſing them perſonally, they need not be uſed at all? He aſked if gentlemen recollected, that the powers of the Crown were veſted in the King, not for the perſonal benefit of the King, but for the benefit of the State? That there were duties and obligations mutually to be performed between the ſovereign and the ſubject, duties of an *awful magnitude*, involving the welfare and hapineſs of the people? How then could the Right Honourable Gentleman maintain, that theſe duties and obligations, in contemplation of law, could poſſibly remain entire in the perſon of the King during his incapacity, any other way than this; that when the King was incapacitated from the perſonal exerciſe of them, they muſt be performed in truſt for him; that ſome perſon or perſons, either by devolution or appointment, muſt perform the duties of the Royal ſtation, and exerciſe the functions of authority *in truſt* for the King during his incapacity; unleſs the Committee was prepared to declare the Kingly Power, either totally, or in part, uſeleſs. Surely, ſaid he, the Right Hon. Gentleman, has too much reſpect for the principles of the Conſtitution, too much reſpect for his own character, to maintain, that the powers and authorities of executive government, that the great and godlike attributes of Majeſty were to be conſidered as a mere appendage, attached to the perſon of the Royal Individual; to ſleep when he ſleeps, and only to wake when his faculties ceaſe to lie dormant!! It would be a profanation of the attributes of Majeſty; it would be a profanation of the rights and welfare of mankind, to admit of ſuch a doctrine. Colonel Fullarton proceeded next to the conſideration of the ſecond point to which he had alluded. After ſome preliminary remarks, he ſaid, that the Right Hon. Chancellor of the Exchequer had declared it to be the duty of the Houſe, to grant no more power to the Regent than appeared *abſolutely neceſſary* for the public ſervice. The Right Hon. Gentleman ſeemed to conceive, that every thing which could poſſibly be withheld from the Repreſentative of the Soverign, during the King's incapacity, was ſo much gained to the State. For his own part, the Colonel ſaid, that every portion of the juſt and eſtabliſhed exerciſe of executive authority, which was ſo with-

held, was so much lost to the State, for whose benefit every portion of authority was held at all. Colonel Fullarton proceeded next to state, that he had ever understood the King of this country, in his legislative capacity, to be Sovereign, and at liberty to act according to his will; but that in his executive capacity, the King was no more than Chief Magistrate, invested with certain powers and authorities, *specified* by the Constitution; and as much bound by those acts which he and his predecessors had ratified, as any the meanest subject in his realm. "I have ever understood, said Colonel Fullarton, that the Constitution is not safe, unless when the three Estates are kept separate, distinct, and entire. That for one or two of the three Estates, to trench on the powers and privileges of the other, has been considered as a sacrilege committed against the general freedom of the State. That such extreme delicacy has been observed in this particular, that the two Houses of Parliament do not venture to interfere with the executive authority, no not in the most minute particular, excepting by Address. That the House of Commons does not even venture, on the executive act of publishing its own Journals, but applies to the executive power to do it for them, and applies by *Address*. If this statement be neither frivolous nor fallacious, the Right Hon. Gentleman will feel it incumbent on him to prove of two things one,—either that to invest the Prince of Wales with all the executive government would prove dangerous to the King, for the resumption of his Royal Power in the event of his recovering his faculties,—or else, that it would prove dangerous and detrimental to the public welfare. With regard to the first of these grounds of apprehension, Colonel Fullarton presumed, that the delicacy, the moderation, the character, and the disposition of his Royal Highness the Prince of Wales, so distinguishingly manifested in the late trying and distressful scenes, would have proved more than a sufficient safeguard against the possibility of such an imputation. I am confident, exclaimed Colonel Fullarton, that the Right Hon. Gentleman cannot entertain any such apprehensions. I will not insult him with the supposition. Or at least if he does, it must be applicable to any possible Prince of Wales, rather than to the present Prince of Wales. With regard to the second ground of apprehension, on which it is necessary for the Right Hon. Gentleman

tleman to reſt the juſtification of thoſe limitations he has propoſed; namely, that to inveſt the Regent with all the powers of executive government, might prove dangerous to the public welfare: Let me aſk, ſaid Col. Fullarton, does the Right Hon. Gentleman mean to ſtate, that any of the juſt and eſtabliſhed powers of executive government are ſuperflous, that they can be ſpared, that they are dangerous and detrimental? Has he ever found, or acknowledged, during the courſe of his adminiſtration, that they were more than ſufficient for the public ſervice? If he anſwers no, they are neither ſuperfluous nor detrimental; but it is improper to veſt them in the hands of the Regent, while acting in truſt, during the Sovereign's incapacity; let me aſk, with what front can that Hon. Gentleman poſſibly maintain, that thoſe powers and authorities, which he admits not to be dangerous, not to be ſuperfluous for the public ſervice in the hands of a Sovereign ſeated on the throne, in the full poſſeſſion of his faculties, and in the plenitude of his power, can poſſibly, without egregious detriment to the public ſervice, bear limitation, mutilation, and reſtraint, in the hands of a Regent, not poſſeſſing the ſtability or influence of permanent authority; holding power as the delegate and ſubſtitute of another; holding power by ſo precarious a tenure, that he may be obliged, on the ſhorteſt notice, to reſtore it into the hands of the Sovereign, for whom, in truſt, it was held? Until the Right Hon. Gentleman can ſolve theſe difficulties, and reconcile theſe contradictions, I defy him, ſaid Col. Fullarton, to ſtir one ſtep in the buſineſs of reſtriction, without involving himſelf in the uncomfortable imputation of endeavouring to alter, if not to ſubvert, the conſtitution, in a very material point of executive government. Surely, ſaid he, the Right Hon. Gentleman does not propoſe to give us a better Conſtitution, in matters of executive government? He does not find it neceſſary to introduce another Declaratory Bill, to explain and amend the Conſtitution in all poſſible caſes of the Sovereign's incapacity? He does not feel it incumbent on him to make this ſpecies of atonement, for extraordinary ſtretching of the Royal Power during the courſe of his adminiſtration? And ſurely it would ill become that Right Hon. Gentleman to aim an ungenerous blow at the ſtate and condition of his benefactor; at a moment too that might diſarm the bittereſt enemy of his

of his reſentments, and convert malignity itſelf into tenderneſs and compaſſion! The next point the Colonel ſtated was, that if thoſe conſiderations were not ſufficient to deter from encroaching on the executive authority, it ought to be recollected, that Monteſquieu had foretold, that the liberties of England would be in danger, whenever the legiſlative power ſhould be more corrupt than the executive power; that is, (as Colonel Fullarton ſaid he underſtood it) whenever the legiſlative power ſhould, for perſonal or party conſiderations, commit violations on the executive authority. He then adverted to violations of the Conſtitution committed at different periods, and ſaid, that when Henry VIII. procured to his own proclamation the authority of law, the Conſtitution was undone: again, when Cromwell voted the Houſe of Lords uſeleſs, it was a death-blow to the Conſtitution. And ſurely now, added the Colonel, I cannot think the Conſtitution free from danger, when this Houſe has not only declared it to be the right of this Houſe and of the Houſe of Lords, in all poſſible caſes of the Sovereign's incapacity, to chooſe whom you pleaſe for Regent, to elect the Emperor of Morocco, if you pleaſe, or to elect a Regent, as the Perſians did their King Darius, by the neighing of a horſe; but when you are proceeding to declare, that it is the right of this Houſe and of the Houſe of Lords, to withhold any part of the executive power; to ſuſpend all, or any of the functions of authority; to portion out the executive authority in what proportions you pleaſe, and to whom you pleaſe, there is but one ſtep farther in which it is poſſible for the Houſe to proceed, and that is, to adopt the wild and deſperate notions of ſome mad republicans in the laſt century, and to parcel out the powers, authorities, and departments of executive government, among the repreſentatives of the People, among the Members of the Houſe of Commons; or to advertiſe, as you would for making a turnpike-road, for a perſon to *contract*, on reaſonable terms, for executing the office of Royalty.

Colonel Fullarton, after enlarging on theſe points, proceeded to conſider the ſubject upon other grounds, and obſerved, that the Right Hon. Gentleman, in the courſe of theſe diſcuſſions, had repeatedly reſorted to hiſtory and precedent, for which reaſon he would beg leave to imitate the Right Hon. Gentleman's example,

and would quote a paſſage from hiſtory too, by no means as a precedent for the Houſe to follow; but as an example to deter, from committing violations and incroachments on the eſtabliſhed Government of a country. In the hiſtory of France, in the reign of Charles VI. who was in a ſtate of incapacity, Iſabeau de Baviere was his Queen—a Princeſs attached only to her treaſures, influenced by the Chancellor, by the Prime Miniſter, and other principal Officers of the Court—who were afraid, that if the Government ſhould be entruſted to the Heir Apparent, during the King's incapacity, they would loſe their ſituation. Under this impreſſion, the deſperate reſolution was formed of inſulting the Heir Apparent, almoſt beyond the limits of endurance; and meaſures were actually adopted for excluding from the Government that able and diſtinguiſhed Prince, the ſole Heir and Repreſentative of the Sovereign. This Miniſter, at that time in the chief confidence of Iſabeau de Baviere, was Mervilliers, who had commenced his career in the profeſſion of the law, but quickly found a nearer opening to advancement, by the more productive path of politics. This Miniſter and his party, truſting to his eloquence, truſting to his talents, truſting to his temerity, truſting to his credit with a large portion of the public, and relying alſo on certain *other circumſtances*, adopted the deſperate reſolution already ſtated. He undertook to procure the aſſent of Charles VI. to this unnatural meaſure. Charles VI. being in a ſtate of total incapacity, and conſequently unable to declare his aſſent, he undertook to procure the co-operation of Iſabeau de Baviere, to the excluſion of her own ſon from the Government, and he farther undertook to procure the thanks and approbation of the Mayor and Corporation of the city of Paris. What is ſtill more extraordinary to relate, he did in fact ſucceed in this atrocious endeavour. He accompliſhed a treaty to this effect, the treaty of Arras, preliminary to the famous treaty of Troyes, as recorded in the Regiſter of the Parliament of Paris for the year 1419. By means of the Chancellor, and a *fiction* of the Parliament of Paris, he affixed the Great Seal to Acts which were the conſequence of that treaty; and thus he *deviſed means* for giving the Royal Aſſent, at a time when the Royal Aſſent could not poſſibly be given. He prevailed on Iſabeau de Baviere, to ratify that treaty, to the excluſion of her own ſon from the Go

vernment,

vernment, and he was thanked for ſo doing by the Mayor and Aldermen, and Corporation of the city of Paris! But what were the conſequences of theſe tranſactions? The conſequences were, that the kingdom was involved in all the miſeries of a weak, mutilated, and diſtracted Government. There was a double Government, a double Parliament, a double Cabinet, double Miniſters, double Officers of State, and of the Houſehold. The kingdom was betrayed to its enemies, and was afterwards reſcued from thoſe diſaſters, by the ſuperior efforts of that brave and diſtinguiſhed Prince whom they had excluded from the Government. That Prince, who poſſeſſed the moſt intereſting qualities, and the moſt faſcinating manners, who had attached to his cauſe the nobleſt ſpirits, and the beſt abilities of the country; and afterwards, under the name of Charles the Victorious, reſcued his country from the miſery and diſgrace in which it had been involved by thoſe ambitious Miniſters, from the wretched yoke of Henry VI. of England, that unhappy Monarch, whoſe reign had afforded ſuch abundant ſubject of quotation, in the courſe of thoſe Debates. Col. Fullarton apologized for having alluded to any thing ſo unpopular, as a paſſage of French hiſtory; but the Houſe encouraging him to proceed, he added, that his object had been, to ſhew the deſperate extremities to which the paſſions of ambitious men might hurry them, and the fatal conſequences that had reſulted from innovations and violations of the eſtabliſhed Government of a country, and he thanked God, that no ſuch example, or any thing like it, could *as yet* be found to ſtain the annals of England. He had only farther to remark, he ſaid, that the Right Hon. Gentleman had endeavoured, with a peculiar predilection, to ſhelter his proceedings under the ſanction of precedents and analogies of hiſtory. "Now, ſaid the Colonel, I will meet the Right Hon. Gentleman on that ground, and in direct contradiction to the uſes he has endeavoured to make of precedent and analogy, I will defy that Right Hon. Gentleman to produce a ſingle inſtance, in the hiſtory of England, in the hiſtory of France, in the hiſtory of Spain, or in the hiſtory of any other country, with whoſe hiſtory we are acquainted at all, where the eſtabliſhed legal powers of executive Government were maimed, mutilated, and reſtrained, without producing inefficiency, counteraction, and diſgrace."

He ſaid, he was very far from wiſhing to include in theſe obſervations, the neceſſary precautions which at different periods had been adopted, for preventing the encroachments of the Royal Power, and for preſerving the liberty and ſafety of the ſubject. But wherever the regular eſtabliſhed operations of Government had been maimed, mutilated and reſtrained; no matter whether it aroſe from interference of the legiſlative power, from participation of executive authority, with councils of Regency; from limitations impoſed upon the Regent, or from any other cauſe, wherever it did ſo happen, inefficiency, counteraction, and diſgrace enſued. It was true, he ſaid, that inſtances had occurred in the Engliſh hiſtory, where the misfortunes of a weak and reſtrained Government appeared almoſt unavoidable—And why? To prevent the ſtill greater calamities of diſputed ſucceſſions, uſurpations, and civil wars, naturally to be dreaded in turbulent times, if all the powers of Government were veſted in the hands of one man, too nearly connected with the Crown, and poſſeſſing too much influence in the country, as in the caſes of the Dukes of Bedford and Glouceſter, during the minority of Henry the VIth; Richard, Duke of Glouceſter, during the minority of Edward the Vth; and Somerſet, during the minority of Edward the VIth. In theſe, and ſimilar inſtances, the King, Lords and Commons, *in Parliament aſſembled*, making proviſion for a long minority, had judged it more expedient to expoſe the kingdom to the misfortunes of a fettered and imperfect Government, than to the greater calamities alluded to before. But would any reaſonable and impartial man, with no ſuch preponderating conſiderations of danger on his mind, with the hiſtory of this country, and the principles and practice of this conſtitution before his eyes; with a reference to the preſent circumſtances of his Majeſty, of the Country, of the Prince of Wales,—the peculiar circumſtances of the Prince of Wales,—would any man, not entirely loſt to every ſentiment of public welfare, under theſe preſent circumſtances, wiſh to involve the kingdom in the misfortunes of a weak, mutilated, and degraded Government? The Colonel earneſtly intreated the Committee ſeriouſly to conſider before they adopted ſo dangerous, ſo deſperate a Reſolution.

At

At one o'clock the ſtrangers were deſired to withdraw from the Gallery, and ſoon after the Committee divided on the Queſtion,

"That the words propoſed to be left out do ſtand part of this Queſtion."

Ayes	—	—	—	227
Noes	—	—	—	154

As ſoon as the ſecond motion was made, "Not to confer the rank or dignity of a Peerage," it was moved, by way of Amendment, to inſert the words "for a time to be limited."

Mr. *Fox* ſpoke very ably in ſupport of the Amendment. Mr. Fox.

After which the Committee divided,

Ayes	—	—	—	159
Noes	—	—	—	216

It was next moved, "Not to grant any office of reverſion, penſion, &c. only during his Majeſty's pleaſure.

"Not to the granting of any part of his Majeſty's real or perſonal eſtate, except ſo far as relates to the renewing of Leaſes."

Agreed to.

Monday, January 19.

RESTRICTIONS ON THE REGENT.

The *Chancellor of the Exchequer* moved the reading of the Order of the Day. Mr. Pitt.

Mr. *M. A. Taylor* begged leave before the Order of the Day was read to obſerve, that rumours had gone abroad of the Prince of Wales having heard of the Reſtrictions. The preſent queſtion was a queſtion of no common moment, but affected every thing dear to Engliſhmen; it went to the undermining the Conſtitution and overthrowing the Government of this country. He therefore requeſted firſt to be informed, if his Majeſty's Miniſter has had the Reſolutions communicated to his Royal Highneſs the Prince of Wales; and his next queſtion was, whether his Royal Highneſs had given any anſwer to ſuch communication; if he had, Mr. Taylor ſaid, he ſhould move, that the Papers be laid before the Mr. A. M. Taylor.

Houſe, and the Anſwers to them, previous to their proceeding any farther.

Mr. Pitt. The *Chancellor of the Exchequer* doubted, whether the Hon. Gentleman had any regular grounds to go upon, when he aſked if the confidential Servants of the Crown had communicated with the Prince of Wales, upon a ſubject under diſcuſſion in the Houſe of Commons? Or whether he could ſhew to whom the Houſe could iſſue orders for the production of ſuch Papers?

Mr. Taylor. Mr. *Taylor* conceived the Right Hon. Gentleman meant to ſay, that no ground had been laid before that Houſe. He ſaid there could not be any, under the preſent circumſtances. But it is very eaſy for the Houſe to be put in poſſeſſion of the ſort of information neceſſary, as there was a Member in that Houſe who muſt have knowledge of ſuch letters paſſing, if any had paſſed. Communications ought to have been made to the Prince; if they had not, the Cabinet had not done their duty; and if they had, he thought it very ſingular that they were refuſed to be produced to the Houſe, which ought not to proceed without them.

Mr. Jolliffe. Mr. *Jolliffe* ſaid, the Right Honourable Gentleman owed ſuch a communication to the Houſe, who ought to be acquainted whether the Prince would, or would not, accept the Regency under ſuch and ſuch terms; it was but decent, he ſaid, that the Right Hon. Gentleman ſhould anſwer explicitly to the Houſe.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, the Hon. Gentleman (Mr. Jolliffe) had furniſhed him with a ſufficient argument againſt giving any intimation of the kind. It would certainly be not only very unparliamentary, but nothing could be ſo preſumptuous and improper as to ſay on what reſtrictions, or in what manner the Regency would be accepted, at the moment the Houſe was deciding in what manner it ſhould be given.

Mr. Jolliffe. Mr. *Jolliffe*, in his own juſtification, ſaid, that he conceived it would be deluding the Houſe, if the Right Hon. Gentleman ſhould propoſe ſuch reſtrictions upon the Regency for them to adopt, that he knew his Royal Highneſs would not accept it upon.

The Queſtion on the Order of the Day was then put and agreed to, after which the Houſe reſolved itſelf into a Committee, Brook Watſon, Eſq; in the Chair.

The

Mr. Pitt.

The *Chancellor of the Exchequer* reminded the Committee, that the Four Reſolutions he had propoſed on a former night being agreed to, it was neceſſary for him to venture again to trouble the Committee, by ſpeaking more particularly than he had before done to the fifth Reſolution, which he ſhould that day have the honour to propoſe for their conſideration. The foundation he had gone upon for all the meaſures he had propoſed, was, the exigency of the caſe; they were bound to provide the means for the diſpatch of public buſineſs, and for the diſcharge of the executive authority; they were alſo equally bound to two other objects, the care of the Royal Perſon of his Majeſty, and the preſervation of his dignity, which ought to be inſeparable from him during his preſent indiſpoſition. With a view to both, but eſpecially the latter of theſe points, the laſt Reſolution went. On the firſt he would but lightly dwell, conceiving that all muſt agree to the care of his Majeſty's perſon being intruſted to the Queen: he would not, he ſaid, for a moment entertain an opinion that to her guardianſhip there could exiſt the leaſt objection; he would not anticipate, becauſe he did not believe, the exiſtence of a difference of opinion on that ſubject; he therefore thought it unneceſſary and difficult to argue, as it appeared to be like arguing a propoſition that was ſelf-evident; for under the character, under the virtues, and under the natural feelings of that great and amiable perſonage, he was confident that there would hardly be a heart in the country, that while it deplored the fatal and melancholy neceſſity that exiſted, would not, at the ſame moment, feel a conſiderable degree of ſupport and alleviation, in the remembrance that under ſuch guardianſhip, with ſo much propriety and ſafety might be entruſted the care of their Sovereign. He would ſay no more on that ſubject, feeling it not reſpectful to the Committee to argue on a propriety of conduct ſo ſelf-evident, until he ſhould hear, if it was poſſible to be heard, an argument againſt the propriety of delegating ſuch a truſt. The next point of the Reſolution he ſhould have to offer, and on which he preſumed they might differ, was with regard to the powers given to the Queen to diſcharge ſuch truſt on the one hand, and on the other to maintain the dignity of his Majeſty's perſon. The Committee were to remember, that while they were delegating part of the executive authority to be

exerciſed in the King's name, that they were bound to provide for the ſafety of their King, that it might appear that they had not forgot that he was ſtill their Sovereign; and that the Repreſentatives of a faithful and loyal people ought not to endeavour to deprive his Majeſty, in his preſent melancholy ſituation, of that dignity which he enjoyed at the moment of health. On that ground he ſubmitted the principle on which he went, contending that it was neceſſarily inſeparable from her Majeſty, in the care to be entruſted to her, to have the whole direction of all about the perſon of the King; the Lord Steward, the Lord Chamberlain, and the Maſter of the Horſe, could only be conſidered as the great leading parts of the ſeveral diviſions of the Houſhold; the only queſtions then that could ariſe on the propriety of their being under the direction of the Queen, were, whether the alteration of circumſtances made it a fit thing, that any alteration ſhould be made in the expence or duty of ſuch officers, as would render it fit or decent for Parliament, in the preſent ſituation of his Majeſty, which could be conſidered but temporary, and which all hoped might be ſhort, to new-model his Houſhold, and render it leſs ſuitable to his dignity? and whether the management of his Majeſty's domeſtic affairs ſhould ſtill remain to be carried on through the ſame hands, as it had for ſome time been; or whether a new management was to be introduced during the preſent temporary interval? The noble Lord oppoſite him, who could not help ſpeaking with ingenuity, and who poſſeſſed much real information, but who on a former day had only diſplayed his ingenuity, and withheld his information, had told them of the eaſe with which thoſe officers might be ſeparated from the Houſhold; but he had not told them how it was to be executed. He did not contend that it was impoſſible to be ſo. He would allow that means might be found to ſeparate thoſe officers from the Houſhold; but he wiſhed to aſk this queſtion, Whether it would be decent at ſuch a moment; whether it would become them, thus early, and with the well-grounded hopes of a recovery, to try the experiment how far they might new-model and limit his Majeſty's Houſhold?—He maintained, that it was not conſiſtent with the affection of the people, at ſuch an anxious period, to be trying experiments, in order to introduce a new ſyſtem. [Here a cry of *hear! hear!*] He hoped that the noble Lord,

Lord, and thoſe who ſo noticed his aſſertion, would attempt to prove to the Committee, in a manner at leaſt as rational, conſiſtent, and parliamentary, the contrary; but for what he aſſerted, he appealed not only to the feelings, but to the reaſon of the Committee. It was an appeal which, the more it was conſidered, would be found the more to deſerve the attention of that Houſe. He wiſhed to aſk whether it was expedient to annihilate every appearance of external dignity; whether it was conſiſtent with reaſon and ſound policy, at the moment the Sovereign was incapacitated from exerciſing his authority, to ſeparate all appearance of ſovereignty from him? When theſe queſtions ſhould be conſidered, he could not ſee how it was poſſible to deny the propriety of allotting the direction of the Houſhold to her Majeſty; or to aſſert, that the preſervation of the external dignity of the King was inconſiſtent with the duty of the people. The general grounds on which they had heard it objected to, was, that ſuch power being entruſted to her Majeſty, would form ſo large an influence, and ſo extenſive a patronage, as to render it impoſſible that any Government ſhould be carried on with effect. To that, however, he ſhould reſerve himſelf to ſpeak, when he ſhould hear it more fully explained. He would, nevertheleſs, ſpeak ſhortly on the argument upon which this principle turned; it ſuppoſed that a degree of political influence would neceſſarily follow patronage. He admitted, that a degree of political influence likely to be exerciſed was an evil. He wiſhed, however, to aſk thoſe Gentlemen who contended againſt the power that the propoſed eſtabliſhment might create, whether eſtabliſhments had not been created much more likely to have been exerciſed againſt the executive authority? When Gentlemen recollected that ſuch eſtabliſhments had been formed, he did not take too much upon himſelf when he contended, that what had not been denied to branches of the Royal Family, ought not to be denied to the Sovereign himſelf, while labouring under temporary illneſs; an argument that reverted to the propriety of continuing to his Majeſty his eſtabliſhment. If Gentlemen diſagreed to ſuch a continuance of his Majeſty's Houſhold, if they were leſs regardful of his Majeſty's dignity at the preſent moment than when in health, it would be expected from them to ſhew their reaſons, and ſtate the danger of ſuch patronage as would be obtained by the neceſſary

powers for a temporary, and, perhaps, a ſhort interval. The argument of the danger of the patronage turned, he ſaid, upon the ſuppoſition that thoſe who were now in his Majeſty's ſervice would be in oppoſition to another Adminiſtration. If that was offered as an argument againſt the Reſtrictions, he denied the truth of it. Suppoſe, for a moment, and for the ſake of argument, that ſuch a conduct was likely to be purſued. A factious oppoſition, he was bold to ſay, they never would engage in; he wiſhed not, however, that any man ſhould reſt on his aſſertion, or upon the aſſertion of any other man; it was public conduct that alone ſpoke to the people the conduct of public men; he then wiſhed to aſk, whether, if they purſued the conduct of a deſperate faction or cabal, it was likely that they ſhould meet with ſupport from the people, ſupport equal to that which they had received while in Government? was it likely that ſuch a faction ſhould be ſupported by the authority of the Country at large? would it not depend on the independent Members of that Houſe, and on the people? Whatever might be the patronage annexed to the powers propoſed to be granted to her Majeſty, he wiſhed to aſk, whether it was likely that the patronage intruſted to ſuch hands would be granted to enable a faction to obſtruct with its weight the government of the Regent? Was it likely, if ſo given, that it could make it predominant to the accumulated patronage of government? Or, was it likely, that the Queen would ſupport a faction, by that means to oppoſe the wiſe and prudent meaſures of the government of her ſon? Was it likely that his Majeſty's Miniſters, in the preſent calamitous and diſtracted ſtate of affairs, forgetful of their duty to their country, forgetful of their duty to the Conſtitution, and forgetful of their duty to him whoſe deareſt intereſt was the welfare of his empire, would neglect the intereſt of the people to form a factious oppoſition, in order to obſtruct the neceſſary meaſures of Government? Could it be ſuppoſed that perſons ſtanding in ſuch a ſituation would factiouſly unite to the injury of a country, to the government of which they might, on his Majeſty's recovery, again be called, and the intereſt of which it had appeared to be, and ever would be, their honour and ambition to advance? He wiſhed again to aſk, whether, in the ſituation in which her Majeſty ſtands, it was likely that ſhe ſhould ſupport ſuch a faction as he had deſcribed?

ſcribed? It was an idea he did not believe was felt or imagined by any one, and on which he therefore would not dwell any longer. He concluded by ſaying, that it was due to his Majeſty from a loyal people not to deſtroy that ſyſtem his Majeſty had adopted for the management of his Houſhold—that the Committee ought not to deſtroy the dignity due to his Majeſty, and that the care of his Majeſty and the government of the Houſhold ought to be entruſted to the Queen. The Chancellor handed the following Motion to the Chairman,

"That it is the opinion of this Committee, that the care of "his Majeſty's Royal Perſon, during the continuance of his pre- "ſent illneſs, be committed to the Queen's moſt Excellent Ma- "jeſty; and that her Majeſty be enabled to exerciſe the power to "remove, nominate, and appoint to his Majeſty's Houſhold, as "ſhe may ſee cauſe, diſpoſing and making all other matters "relating to his Majeſty, as ſhe ſhall think proper; and that to "enable her Majeſty the better to execute this truſt, a Council be "appointed to adviſe her Majeſty, with powers to examine, from "time to time, the Phyſicians touching his Majeſty's health."

Lord *Maitland* roſe and ſaid, called upon as he had been, he could not avoid riſing to ſay, that if he had anſwered the Right Hon. Gentleman's argument in any other way, than by the geſture or expreſſion that he had betrayed, he ſhould have forgot what was due to himſelf as a Member of that Houſe. After ſome farther warmth, his Lordſhip ſaid, he was ready to agree with every panegyric on the virtues of her Majeſty; ſhe was univerſally known to be eminently amiable and virtuous, and as ſuch he admired her. On her amiable qualities, however, the queſtion did not reſt; the propoſition for maintaining the dignity of his Majeſty, he conceived to be particularly miſplaced at the preſent; it was a dignity, under his preſent unfortunate and mortifying circumſtances, unfit to be beſtowed, and could only beget contumely; it was a dignity that tended not to make his ſubjects look up to him with reverence, but to make them contemptuous ſcoffers. If the Houſe was not loſt to every principle, it could not adopt the Reſolution propoſed. At the inſtigation of the Right Hon. Gentleman the Houſe had agreed, that, in conjunction with the other Houſe, they had a right to provide for the deficiency of the executive go- Lord Maitland.

vernment;

vernment; a reſolution that he had thought wrong, but it had paſſed, and the Prince was acknowledged as a proper perſon to fill the ſituation of Regent; the Houſe conſidered that he who was intereſted in the preſervation of the empire, becauſe he was to fill the Throne in future, was of courſe the fitteſt perſon to be truſted with the Regency; they had alſo reſolved, on a very good principle, that the Prince being intereſted, ſhould not be truſted with the care of the Royal Perſon of the Sovereign; if the Committee ſhould agree to the preſent Reſolution, they would give the lie to their principles. That her Majeſty ſhould feel an intereſt, was natural. She had an intereſt as a wife, the Prince had an intereſt as a ſon. Her Majeſty ſtood under the Reſolution in a very different light. He would readily agree, that if her Majeſty had no part of the executive power, ſhe would be the fitteſt perſon to have the care of his Majeſty; but, intereſted as ſhe was propoſed to be by the Reſolution, ſhe would be, in his opinion, more intereſted than the Prince, and poſſeſſing ſuch power, be highly improper and inadequate to ſuch truſt. Novelty was a faſcinating thing to the human mind, and the new poſſeſſion of power might warp and prejudice the pureſt boſoms. Independent of that argument, he had, however, a ſpecial objection to her Majeſty's being intruſted with the King's perſon, ariſing out of the Report on the table: they knew what muſt be her Majeſty's anxiety; they all felt her anxious, her virtuous, and her dutiful wiſhes on the occaſion; they felt that that anxiety might lead her to a belief of a too favourable report of the ſtate of her Royal Conſort's health; and though ſuch commendable anxiety might redound to her honour, and for which ſhe might be moſt juſtly eſteemed, it operated againſt her being ſolely intruſted with the care of the Sovereign, eſpecially when there were Princes of the Blood in the country, the King's brothers. The Right Hon. Gentleman, on a former night, had ſpoke of the neceſſity of continuing about his Majeſty his uſual attendants; that, however, would not be effected by the preſent Reſolution, for it gave her Majeſty the power not only to continue, but to remove. By the Reſolution before the Committee, they were going to ſever the executive power of the country, and give a great part of it to the Queen without any reſponſibility. Who was to be the perſon that was to be reſponſible? Were they to look to the Queen? No!

Were

Were they to look to her Council of Advice? No! for they were not a Council of Power. The Queen would be intruſted with a patronage of upwards of 80,000l. yearly; ſuch power, he conceived, would in a great meaſure take away, if not totally annihilate, all reſponſibility in the Regent's Miniſters; it would be creating that monſter, hitherto unknown to the Conſtitution, a fourth Eſtate in the realm; it would be exerciſing all that unbounded ambition, all that wiſhed-for patronage, all the unconſtitutional attempts charged, but falſly charged, upon his Right Hon. Friend. On the compariſon of his Right Hon. Friend's India Bill with the preſent Propoſition, he could dwell with pleaſure, but not then; at a moment like the preſent he conceived it improper to amuſe the Houſe with ridicule. If the Right Hon. Gentleman would ſhew him how the preſent Motion would facilitate the King's recovery, he would willingly compliment the Right Hon. Gentleman with his vote; he believed that no ſuch reaſon could be ſhewn, he believed no reaſon at all like it could be ſhewn. Perhaps there were ſome ſecret reaſons, which thoſe who knew the human heart, might gueſs, but no mortal could judge of; the Right Hon. Gentleman might have once climbed into power by a contemptible line of politics, and the Right Hon. Gentleman, he ſaw, had a plan again to wound the conſtitution of this country, for which reaſon he would not give him his vote. He had not, he ſaid, the moſt ſanguine hopes of his Majeſty's recovery; he had examined the regiſter of the principal hoſpital for the malady in the kingdom, and had found, that out of 125 received in the courſe of ten years, there had not more than one in four recovered. When the welfare of his Sovereign, the Prince of Wales, and the Houſe of Hanover came in competition, it was not, he ſaid, eaſy to aſſert which weighed moſt with him. The Committee could not conſent to the Reſolution without abandoning the principles of the Conſtitution. His Lordſhip concluded by declaring, that notwithſtanding the Hon. Gentleman's majorities, he was ſure he would that day be defeated.

Mr. *Sturt* declared, he was no orator, but when he heard the Right Hon. Gentleman, in the courſe of his ſpeech, call upon that ſide of the Houſe to know why there was that outcry, he muſt ſignify his diſapprobation by his voice. [A laugh from the other ſide.] Mr. Sturt.

ſide.] Mr. Sturt ſaid, he cared not for their laughing, he loved his country as much as the Right Hon. Gentleman. The Right Hon. Gentleman had boaſted of the univerſal applauſe of the people, whereas he, reſiding in London, had been the firſt to inform his Conſtituents, the Electors of Bridport, what was going forward in that Houſe. He did not, Mr. Sturt ſaid, quote Demoſthenes. When he ſaw an attempt made to new-model the Conſtitution, he gave his voice againſt it; not having the abilities to cope with the Right Hon. Gentleman as an orator.

Mr. M. A. Taylor.

Mr. *M. A. Taylor* ſaid, there were many more able to ſpeak than he was, but he regarded the preſent as a violent unconſtitutional attempt, and he wiſhed the Conſtitution to remain entire: the whole executive powers of Government, he had always underſtood, were given for the benefit of the people, and that power ought to be exerciſed by the executive officer, the Regent, for the benefit of the people, unmutilated; the Reſtrictions not only took from the Regent a material part of the executive authority, but veſted it in a party. The chief objection againſt the India Bill of Mr. Fox was, that it created a fourth Eſtate. Thoſe who ſhould have the care of his Majeſty's perſon, he contended, ought to have no other intereſt whatever; the power propoſed to be given he conſidered as unknown to the Conſtitution, and as tending to cripple the new Government, and fettering the Prince, who ought to lie under no reſtriction whatever.

Sir John Swinburne.

Sir *John Swinburne* ſpoke for the firſt time in Parliament, and ſaid, in the arguments to be advanced on the Queſtion before the Houſe, a certain degree of reſpect was due to her Majeſty, and a certain degree of reſpect was alſo due to the Heir Apparent, his Royal Highneſs the Prince of Wales. He conſidered the preſent Reſolution as improper; it tended to introduce a divided Government, and a Government divided in itſelf muſt neceſſarily be weak; as a noble Lord had quoted Greek, Sir John ſaid, he would quote a few words of Latin, it was *Imperium in Imperio*, which was the character of the Regency, as about to be eſtabliſhed. They were going to take out of the hands of the Executive Power the Executive Truſt, and give part of it over to thoſe hands which were not reſponſible, to thoſe who were completely abſtracted from all ſhare in the Government, who never were likely to enjoy ſuch

power

power on his Majeſty's recovery from his preſent diſorder, nor ever ought to be poſſeſſed of it. He called upon Lawyers, whether property did not always *deſcend*, and whether it was ever *aſcendible*. Sir John declared, he ſaw no good end the preſent Reſolution could obtain; on the contrary, it appeared to him calculated to promote nothing but diviſion and anarchy. He conceived, with the powers propoſed, it was improper to entruſt her Majeſty (who, he ſaid, unleſs prompted to it, was the laſt perſon who ought to have ſtepped forward) with the care of the King's perſon alone, as ſhe might be miſguided by evil Counſellors; for that and other reaſons, Sir John declared he ſhould vote againſt the Reſolution.

Mr. *Pulteney* ſaid, if it could be made out that by giving the powers of the Reſolution to the Queen, there was any reaſon that could be advanced of the probability of her concealing the recovery of the King, he ſhould conſider ſuch reaſon a fair argument, and a good objection to the Reſolution. He conſidered no ſuch reaſon could be well founded; and was of opinion, that it was indiſpenſably neceſſary that every degree of power over the Houſehold ſhould be given to her Majeſty, to enable her to diſcharge the duties of her truſt. The argument againſt her having ſuch power, went on the ſuppoſition that ſhe could forget her duty to her king, her huſband, the intereſt ſhe felt in common with him, in reſpect to his return to his former ſtate of ſovereign power, and the duty and affection ſhe owed to the people; ſuch illiberal ſuppoſitions, he was confident, were not well founded—were untrue. Objections had been made to the patronage of the power that was propoſed to be given to her Majeſty. He wiſhed to aſk whether the Throne was ſo weak, that any perſon with the power of diſtributing eighty or a hundred thouſand pounds, or the votes of two or three perſons in that Houſe, and of the Lords of the Bedchamber in the other, could ſhake it? The Throne ſtood on no ſuch grounds, it was far more firmly eſtabliſhed; he was old enough to remember the days when it had been reſolved that the Influence of the Crown was too great, and ought to be diminiſhed. He voted for that Queſtion, but he did not think the Influence of the Crown ſufficiently diminiſhed. Was it ſo altered at the preſent moment, that the little patronage of the Houſehold could not be diſpenſed with? Let the Committee conſider the patronage

Mr. Pulteney.

of

of the Army, the patronage of the Navy, of the Cuſtoms, of the Exciſe, and of other offices, which pervaded every corner of the kingdom, and then let them ſay, if they could, that the patronage of the Houſehold was neceſſary. The preſent Queſtion was not, however, on thoſe powers of patronage, it was on a temporary regulation of ſupplying the preſent deficiency, and to take care of the ſafe return of the Sovereign to his Government, whenever he ſhould be reſtored to his people. He did not agree to any reſtrictions on the Prince, from any fear of the motives by which he was actuated; he wiſhed only to guard againſt every poſſibility of danger. Would any one contend, that in the preſent ſituation of Europe, Government could not go on without that ſort of influence? He thought the country could be governed eaſily and properly, if the Miniſters of the Regent, whoever they might be, conducted themſelves honourably; the people, as they had lately ſhewn, were always ready to give every honeſt and juſt tribute of admiration and applauſe. Let thoſe Gentlemen who were likely to come into office on the Regency, think what was good for the country and honourable for themſelves, when they ſaid that they could not govern without the patronage of the Houſehold, the patronage of every baker and butcher employed by the Royal family! If they acted uprightly, they would ſtand in need of no ſuch patronage, and the diſſolution of Parliament was a remedy in their power, if a faction ſhould ariſe. He had not been preſent, he ſaid, when the queſtion of the Right of the two Houſes to provide for the deficiency of the Executive authority, and name a Regent, had been agitated, if he had, he would have given his hearty vote in ſupport of that Right, and he would now give his vote as heartily for reſtrictions. He would not admit of the probability of the Lords forming a cabal againſt the Regent's Miniſters, but was of opinion, that, if ſuch another unconſtitutional Bill as the well known India Bill ſhould be again brought in, then it would not be unlikely but ſuch Adminiſtration might feel the Bedchamber Lords a very heavy weight againſt it. He concluded with ſaying he ſhould vote for the Reſolution.

Sir *John Swinborne* ſaid a few words in explanation.

Sir James Johnſtone.

Sir *James Johnſtone* believed it to be high treaſon to imagine the death of the King, but not of the Queen; he wiſhed to know to whom

whom the guardianſhip of the King would devolve, on the demiſe of her Majeſty?

Mr. *Bouverie* agreed to the care of the King's perſon being entruſted with the Queen, and to the latter part of the Reſolution, propoſing to appoint her a Council; but objected to the powers propoſed to be granted, and moved as an amendment, that the words, "granting the powers, &c." be omitted. Mr. Bouverie.

Lord *North* obſerved, that the Reſolutions contained three propoſitions perfectly diſtinct: the firſt, appointing the care of the Royal Perſon to the Queen; the ſecond, granting her the power over the Houſehold; and the third, appointing her a Council. Theſe three propoſitions appeared to him to be totally ſeparate, and he hoped that the Right Hon. Gentleman would agree to their ſeparation, that they might be fairly argued, and freely diſcuſſed. Lord North.

Mr. *Bouverie* roſe again; he ſaid he had voted on a former occaſion againſt the power of the Crown; he never had, nor ever would, however, vote for the diviſion of it. Mr. Bouverie.

Mr. *Fox* imagined there would be no objection in the Right Hon. Gentleman to ſeparate the Motion, as the ground of difference of opinion was, what the neceſſary powers to be given to the Regent were? Mr. Fox.

The *Chancellor of the Exchequer* could not, he ſaid, agree to the ſeparation of the different parts of the Reſolution, as he could not agree to the giving in name and in words to her Majeſty, the care of the King's perſon, without, at the ſame time, giving her the powers neceſſary to execute ſuch truſt. The not dividing the Queſtion, he ſaid, could not be productive of any embarraſſment, as thoſe who could not adopt the whole of it, might propoſe what amendment they thought neceſſary. Mr. Pitt.

Mr. *Bouverie* again ſpoke, and the queſtion on his amendment being put, Mr. Bouverie.

Mr. *Grey* ſaid, ſo far from conſidering thoſe powers, ſtated in the motion, as neceſſary to the guardian of the Royal Perſon, he looked on them as a diſqualification. He looked on the Reſolution as a meaſure pregnant with diſorder and confuſion. He agreed with the Right Honourable Gentleman, that it Mr. Grey.

was the duty of the Committee to look to the duty they owed themſelves, and to the duty they owed to their Sovereign; and in looking to themſelves they would reject ſuch an attack upon the Conſtitution with becoming indignation. In taking care of the Sovereign they were not to neglect the duty to their country, for whoſe advantage all the power was granted. The Reſolution before the Committee was ridiculous. Let him aſk the Honourable Gentleman under the Gallery, whether it was likely to ſecure the Right of the King; it would be weak and ineffectual againſt an ambitious Prince, who, by poſſeſſing the power of the army and navy, might, if he choſe to adopt ſo monſtrous a meaſure, dethrone the Sovereign, in ſpite of all the reſtrictions that had been propoſed; it was known, however, that the Prince of Wales poſſeſſed no arbitrary, no ambitious ſpirit, and that the Reſtrictions propoſed would operate upon him as checks; checks of ſuch a nature, as to render it impoſſible for any Adminiſtration the Regent might think proper to adopt, to carry on the Government in oppoſition to them. He wiſhed to aſk what power there was neceſſary for a King, that was not alſo neceſſary for a Regent, to carry on the Government? He contended that the ſame powers of Government were given for the public good, and ought ever to be permanent. Government was in its nature permanent. If his Majeſty had the power of creating Peers to counteract a confederacy or cabal in the Lords againſt his Government, the ſame neceſſity might exiſt on the part of the Regent. The marks of dignity that were propoſed to be kept up for his Majeſty, he conceived to have been provided for the diſcharge of the King's offices, not for the gratification of an individual, but as part of the Regal State, and would, conſequently, belong to the Regent, who would be the firſt Magiſtrate. The dignity propoſed to be given to his Majeſty, would, in his opinion, be degrading to the King, and inſulting to the people. The Right Hon. Gentleman wiſhed to curtail the King's authority, knowing its influence, which he once found neceſſary to call into action. If the Royal Authority was too conſiderable to be permitted the exerciſe of, let it be ſuſpended during his Majeſty's indiſpoſition; let it not be divided; the dividing of it would be creating a fourth eſtate in the realm; there would not only be a

Regency

Regency over the country, but a Regency over the Houſehold, which, if acting againſt the Government, it could not go on. The Government, undoubtedly, would not be ſhaken, as had been mentioned by an Hon. Gentleman, by a butcher or a baker; but it might be by a faction that might be created in the Lords, to ſupport meaſures of the Right Honourable Gentleman, *which muſt always be virtuous.* He fully agreed with every panegyric on her Majeſty; he loved her virtues, and what he loved her for particularly, and what the country loved her for was, that ſhe had never joined any party, any cabal, or interfered in politics, and ſuch a character he did not think her Majeſty would be very ready to loſe. He agreed to provide againſt what might happen, and in ſo providing, proviſion muſt be made without reſpect to perſons; the Prince was virtuous, but he might have bad adviſers; the Queen was virtuous, but ſhe might have her evil adviſers alſo. An argument againſt giving the Queen any power was, that he diſtruſted thoſe who were to be of her Council. He wiſhed to have the intended Counſellors of her Majeſty named; he wiſhed gentlemen to conſider the patronage they would be poſſeſſed of, not leſs than one fourth of the Civil Liſt! The Conſtitution ſaid, give power where there is reſponſibility; the Reſolution went to give ſuch power where there was no ſuch reſponſibility; it appeared to him to be prejudicial to ſound policy, to good Government, and the Conſtitution, and as ſuch he ſhould give his vote againſt it.

Mr. *Dundas* ſaid, it had been contended, that it was neceſſary to give all the powers of a King to a Regent, an aſſertion that he denied. It had been ſaid, that the Right Hon. Gentleman's doctrine on the firſt day that the ſubject of a Regency was broached, "that the Heir Apparent had *a Right to aſſume* the Regency," was a haſty and imprudent aſſertion. He denied the fact. The Right Honourable Gentleman was not apt to be ſo imprudent, and it was now to demonſtration evident that the aſſertion of the Right Hon. Gentleman, to which he had juſt alluded, was purpoſely laid down as the baſis of every proceeding that had ſince been taken by the other ſide of the Houſe on the ſubject. The noble Lord in the blue Ribband, had on the laſt day they met, lamented that the Houſe had voted the Reſolutions of his Right Mr. Dundas

Honourable Friend; becauſe the noble Lord ſaw clearly that the preſent Reſolution, as well as the four others, were the neceſſary conſequence of that Reſolution. The noble Lord had too much Parliamentary knowledge not to be aware of this, and he had with great judgment complained of the firſt Reſolution. Mr. Dundas ſaid, the Committee were to conſider, that it was their duty to provide and inveſt a Regent with all the powers neceſſary to carry on a Government of vigour and effect, remembering always that their lawful Sovereign was ſtill alive, and that they owed him allegiance as before his illneſs. This it was that made it neceſſary that they ſhould reſerve ſome token of kingly dignity about the Royal Perſon, and what could they reſerve ſo properly as his Majeſty's Houſehold? Mr. Dundas reaſoned upon the proviſion being a mere temporary proviſion, calculated to continue only for a little time, and if their hopes of the King's recovery ſhould unfortunately be diſappointed, the Reſtrictions would be done away; but ſurely, in the meantime, as loyal ſubjects, and as perſons attentive to the duty they owed their Sovereign, they would not refuſe to pay his Majeſty the ſmall degree of attention propoſed by the Reſolution before them. He denied the probability of her Majeſty's abuſing the truſt repoſed in her, declaring that he thought it an idle, an unparliamentary, and an unmanly way to reſt any thing ſaid in that Houſe upon perſonal compliments which no one preſent either could or would deny; he would not, therefore, reſt any part of his argument on the known virtues of the Queen, or of his Royal Highneſs the Prince of Wales; he believed, that no man would queſtion the many virtues of the one or the good diſpoſition of the other; but he thought, when the affection that naturally ſubſiſted between a mother and a ſon was conſidered, the Prince was more likely to enjoy the benefit of the patronage of the Royal Houſehold through the influence of his mother, in addition to the vaſt and extenſive patronage he was otherwiſe to be inveſted with as Regent, than any factious oppoſition or intriguing cabal, that might be ſet up to counteract, thwart, and embarraſs the juſt and neceſſary meaſures of Government, let who would be the Miniſters of the Regent. Mr. Dundas juſtified the appointing the Queen Regent, as the propereſt perſon that could be choſen for ſuch a truſt. Her natural and known

known affection for her huſband, and her intereſt in common with his own, that he ſhould, as ſoon as he was recovered, re-aſſume his Royal Authority, and again ſway the Sceptre, and aſcend his Throne, all conduced to qualify her beyond any other perſon for the execution of ſuch a guardianſhip. Mr. Dundas ridiculed the idea of a Regent, who had ſo extenſive a patronage annexed to his office, ſeriouſly having reaſon to lament the loſs of a few black and white ſticks. He added a great variety of other arguments in ſupport of the Reſolution, and again and again enforced it upon the Committee, that two of the great objects they ought ever to keep before them was, that it was their duty to provide, that the King, in caſe of his recovery, ſhould not find any difficulty in the way of his reſuming his Royal Authority, and that they were only providing a temporary meaſure, capable of being reviſed, altered, amended, and entirely done away, whenever Parliament ſhould think proper to re-conſider it.

Lord *North* began with ſaying, that he was ſo proud of receiving the approbation of his Learned and Hon. Friend, that he was always ſorry when that approbation was founded on a miſtake. When he had ſpoken on that occaſion before, he had not lamented that the Houſe had come to the preliminary Reſolution, becauſe that the Reſolutions of Reſtriction *neceſſarily* followed. He had lamented that a bad precedent was eſtabliſhed, but he had never thought it neceſſary that the eſtabliſhment of a bad precedent ſhould be followed by the abuſe of it. All the miſchief which that bad precedent led to, it was their duty to prevent. He ſtill thought of the firſt Reſolutions in the light in which he had ſtated them to appear to him, when they were introduced; and though he yet felt the regret that they had then impreſſed him with, he did not conſider, much as he had objected to the preſent Reſolution, that it was a neceſſary conſequence reſulting from thoſe Preliminary Reſolutions. It was certainly a natural conſequence, becauſe thoſe who once deviated from the ſtrait path, naturally continued in error. His Lordſhip ſaid, they had heard from the beginning that the Reſolutions were of a temporary nature, and that it was but for a little time that they were to provide for the defect of the perſonal exerciſe of the Royal Au- Lord North.

thority; thus as it was but for a little time, they were expected to ſacrifice the Conſtitution, and perſuaded to do without it for a few months, and withhold the neceſſary powers from the Regent. He declared he did not know any parts of the duties of a King, which it would not be expected from the Regent to perform; why then ſhould any of the Regal Powers be withheld from the Regent? But the Right Honourable Gentleman had ſaid, he would have the powers that were neceſſary, and had aſked, could a black or a white ſtick be neceſſary? The duty of the Regent would be to govern a large empire, and every power the Crown found neceſſary to the diſcharge of that important duty, the Regent ought to have. Had the Right Hon. Gentleman any rule to judge by, of what was neceſſary for a King, other than what was neceſſary for a Regent to enjoy? The India Bill of 1783 had been mentioned, but Gentlemen did not ſeem to attend to the eſſential diſtinction between the India Bill and the preſent meaſure. The argument againſt the India Bill had been, that it would be eſtabliſhing an *Imperium in Imperio*, and making a fourth Eſtate. The India Bill was an open and avowed meaſure, and the period of its duration was four years, the Reſtrictions impoſed on the Regent were for no fixed time. That was for a certain time, this for an uncertain and indefinite period. But an Hon. Gentleman, an old and a worthy Member of Parliament (Mr. Pulteney) had ſaid, that it was neceſſary for the Lords of the Bedchamber to remain to prevent the India Bill being paſſed. The Hon. Gentleman was too late in his caution; his ſuggeſting his notable expedient then, was like preſcribing phyſic for a dead patient. The India Bill was no more. That India Bill, which was called a violation of the chartered rights of men, was dead, and another India Bill had been introduced in its room; but that, he was informed, had been totally done away ſince by a Declaratory Bill, and the Charters of the Company as much violated as they would have been by the India Bill of 1783. The Hon. Gentleman's remedy, therefore, came too late, the conteſt was over, the battle loſt, the charters of the Company gone! But it was ſaid, the Reſtrictions on the Regent were meant to laſt but a ſhort time. He hoped to God it would laſt but a ſhort time.

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That argument reminded him of the defence ſet up for an unconſtitutional meaſure put in execution ſome years ſince, by a moſt reſpectable Member of the other Houſe, who was generally ſuppoſed to be a friend to the Conſtitution of his country; he alluded to the embargo laid on the exportation of corn, which had been ſaid to be *only* a forty days tyranny. So in the preſent caſe it was ſuppoſed that the neceſſary powers of the Regent were to be taken away for a ſhort time, during which ſhort time the Regent might make a faction, and become ſo ſtrong, that it would not be in the power of an act of Parliament to reſiſt his ambitious deſigns. The Honourable Gentleman had told them, they were to look to the time of his Majeſty's reſtoration to his health; he did look to it, and thought when by the bleſſing of God that happy hour ſhould arrive, the King would find it as eaſy a matter to reſume his Government, as he had found it to exerciſe any former act of authority, in the whole courſe of his reign. The Hon. Gentleman ſuppoſed, that if that Houſe did withhold the patronage of the houſehold places, there might be a difficulty in reſtoring his Majeſty to his Government, when he ſhould be able to re-aſſume the exerciſe of his Royal Authority. When ſuch ſuppoſitions were made, he truſted it was for want of argument. The Hon. Gentleman had talked as if it was neceſſary to leave the Patronage of the houſehold, where it was, in the hands of the King; but if that were really the caſe, they ſhould leave it in his hands who conſtitutionally and virtually would be King. The Hon. Gentleman had ſaid, would they introduce a new ſyſtem into his Majeſty's houſehold? If they gave the Patronage of the houſehold to the Queen, and withheld it from the Regent, that would be to introduce a new ſyſtem, and ſeparate the Patronage of the Crown from the kingly office. He hoped the Hon. Gentleman would allow, that there was ſomething more material in that than he ſeemed to be aware of. But the Hon. Gentleman had ſaid, his Majeſty's mind would be uneaſy, when upon his recovery he ſhould find his houſehold changed. Was it reaſonable to ſay, that becauſe during his Majeſty's incapacity the offices of the houſehold were diſpoſed of, not to his wiſh, but according to the ideas of the Prince, that his Majeſty would be uneaſy? Could it be ſuppoſed, that when he could alter it back again, he would

be uneaſy? His Lordſhip declared, he never knew a caſe before, in which nothing could be ſaid on one ſide, and every thing on the other. With regard to the Maſter of the Horſe, the Lord Steward, and the Lord Chamberlain, and the Lords of the Bed Chamber, as his Honourable Friend behind him had ſaid, they were uſeful only for political purpoſes. Why then ought they not to be employed in political ſervices? The Honourable Gentleman had voted on the Motion ſome years ſince, "that the Influence of the Crown had increaſed, was increaſing, and ought to be diminiſhed." He had oppoſed it, and ſo had his Honourable and Learned Friend, and yet his Hon. Friend now wanted to diminiſh it a little more. The power of making Peers, and the patronage of the houſehold were neceſſary to the Crown as the fountain of honour, and they were equally neceſſary to the Regent. It was ſaid, would it do the Regent any harm to be without thoſe powers for a little while? In anſwer to this, he aſked, would it do the public any harm to be with them for a little while? The whole turned on "a little while." How did the Honourable Gentleman know the advantage the holding of thoſe powers might be of to the Government of the Regent in the interim? If his Majeſty's recovery ſhould be protracted, then it was ſaid, the reſtrictions would die away. Would they die away becauſe Parliament might aboliſh them? His Lordſhip complained of the Motion as complicated and embarraſſing. It conſiſted of three diſtinct propoſitions. Firſt, it ſtated that the perſon of the King ſhould be entruſted to her Majeſty. There, he ſaid, he agreed with the Honourable Gentleman, and, he believed, the Houſe would agree with him. The next Propoſition was, that her Majeſty was to diſpoſe of the offices of the Houſehold, a patronage conſiſting of about 400 places in number! The third Propoſition propoſed that her Majeſty ſhould have a Council of Advice. The firſt and laſt Propoſitions might, in his mind, be well ſupported, although they had not yet been ſuſtained by any argument. His Lordſhip concluded with declaring, that he ſhould give his vote for the Amendment.

Sir Gregory Page Turner

Sir *Gregory Page Turner* ſpoke of the extreme importance and the extreme delicacy of the ſubject, when the character of the Prince of Wales on the one hand, and the character of the Queen

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on the other, were brought forward. He ſaid, he knew not how to give his vote in that Houſe, without diſputing the merits of either one or the other. He admired the virtues of them both, but he came there as a Member of Parliament, to do his duty upon public principles. He muſt that night vote differently from the Right Honourable Gentleman at the head of the Exchequer, to whom on a former occaſion he had been proud to pay juſt compliments and encomiums, and thoſe not only to his talents but to his integrity. He reſpected thoſe talents and that integrity, but the Queſtion was, whether the Prince of Wales was to be appointed Regent or no Regent. There muſt, he ſaid, be an Adminiſtration in the country, but he ſhould contend, that if the King's houſehold was put under the management of the Queen, there would be a double houſehold, and a double Adminiſtration; and a double Adminiſtration could have no power equal to the carrying on of a vigorous Government. The Right Hon. Gentleman might juſt as well have ſaid, that the Prince of Wales had no right to bring in his political friends, as that he had no right to the patronage of the Houſehold. But it was ſaid, when his Majeſty ſhould recover, his Majeſty would be uneaſy at ſeeing new faces around him. He could not but be of a different opinion; his Majeſty had been pretty much uſed to new faces. He ſaid, he alluded to the frequent changes of Adminiſtration that had taken place, and he believed, among the reſt, the Lord Chamberlain and the Lords of the Bedchamber had been more than once changed. He could not, therefore, agree with the Right Hon. Gentleman in giving his vote for the Reſolution as originally moved. Whatever his abilities were, Sir Gregory ſaid, his property rendered him independent, and he always delivered his ſincere ſentiments according to his conſcientious opinion. On thoſe principles he came into that Houſe originally, and he was determined to perſevere as he had done hitherto. The Reſtriction preventing the Regent from making Peers, he ſaid, had prevented the Prince from making Members of the other Houſe of Parliament, though it had permitted him to take away moſt of their Members. Sir Gregory contended that ſuch Commoners as deſerved well of their Country, had a right to look up to the honours of the Peerage, the conferring of which was no expence to the country.

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He declared, he would ſubmit ſuch farther obſervations as he had to offer upon the ſubject, when he ſhould have an opportunity of doing ſo in the Houſe in a future ſtage of the buſineſs.

Sir John Scott.

The *Solicitor General* (Sir John Scott) began with expreſſing his ſatisfaction, that he had not preſſed himſelf upon the Chairman, when he had riſen with the Hon. Baronet, who ſpoke laſt, as he had thereby avoided depriving the Houſe of the opportunity of hearing a ſpeech, that had, he believed, entertained all who heard it, and afforded pleaſure unexpectedly to ſome. Sir John ſaid, he would comprize what he had to ſay upon the Reſolution in as ſmall a compaſs as poſſible. The arguments they had heard that day appeared to him to be of a ſpecies, which could hardly have been expected to have been ſtated in an aſſembly repreſenting Engliſhmen, diſtinguiſhed for their humanity, diſtinguiſhed for their loyalty, diſtinguiſhed for their reſpect and reverence for their Sovereign and his Conſort. They might, in that Houſe, uſe what arguments they thought proper, but the Country would not bear to be told, that having reſolved that it was not only their Right to provide for the perſonal exerciſe of the Royal Authority during his Majeſty's unfortunate incapacity, but that it was their duty alſo, that they had exerciſed the Right with a conviction on their own minds, that they had done their duty, if they once forgot that they had a King upon the Throne, and that being there, his perſonal capacity, and his political capacity, remained whole and entire. What were the arguments that had been made uſe of that night? Gentlemen ſeemed to have forgot that they were to make a choice of evils, and that it was their duty, in ſuch a caſe, to prefer that which appeared to be the leaſt evil. When Gentlemen told him, that by withholding the patronage of the Royal Houſhold, they ſhould be guilty of a breach of the Conſtitution, let them ſay how he was to diſcharge his allegiance to the Sovereign on the Throne, without taking care that his reſumption of his Royal Authority ſhould be rendered as little difficult, when he ſhould have recovered his health, as poſſible? Sir John ſaid, he did not ſpeak with indelicacy towards the Regent, if he ſhewed that jealouſy belonging to his character as a Member of Parliament, which it was his duty to ſhew reſpecting the other Houſe of Parliament, and reſpecting the executive Government of the country. They were

were not acting upon perſonal confidence, but upon public principles. But let them ſee what the Regent could do, and what he could not do. Suppoſe that his Majeſty ſhould continue ill ſix or twelve months. Suppoſe the King ſhould recover at the end of the twelvemonth, and the Bill ſhould expire in the fortnight next after the end of the twelvemonth. In that caſe, ſuppoſe an adviſer, out of that Houſe, were to get hold of the Regent and tell him, "though you have ſubmitted to theſe Reſtrictions and Limitations for a twelvemonth, yet believe me you have an inherent Right to the exerciſe of the Royal Authority; do not ſubmit to the Reſtrictions you have had impoſed upon you any more." Sir John declared, he did not ſay that any perſon would be ſo bold as to adviſe him in any way, but the caſe was a poſſible one, and it was Parliamentary to ſtate the hypotheſis, and provide againſt the danger of ſuch a circumſtance. It had been aſked by an Hon. Baronet, what would be the caſe if the Queen ſhould ſuffer a demiſe? In anſwer to that he aſked, what would be the caſe if the Regent ſhould ſuffer a demiſe? They would come down to that Houſe and provide a ſucceſſor. In the preſent exigency of affairs, how were they to do their duty to their Country? They were to do it, by recollecting that his Majeſty's political character was entire, and if Gentlemen were to act equal to that integrity, they would vote the preſent Propoſition. The King on the Throne had been beloved by his ſubjects. It had pleaſed God to afflict him with a grievous calamity. In conſequence of that calamity it became neceſſary for that Houſe to provide a perſon to exerciſe that part of the Royal Authority, which his Majeſty from his infirmity could not exerciſe himſelf. His infirmity, however, was not likely to laſt long, and they were, therefore, to conſider what they had to provide, as a mere temporary meaſure, not a permanent one. Perhaps his Majeſty might be well in three months; the people, therefore, had a right to expect, that the Houſe of Commons would do its duty, and not forget the reſpect due to that Sovereign, whom they all loved. How was the ſenſe of the people of England to be collected on the ſubject? Perhaps if a Right Hon. Gentleman was aſked, he might adopt his firſt opinion, and ſay, "the ſenſe of the people was ſpoken by their Repreſentatives in that Houſe;" or he might take up his ſecond opinion, and ſay,

"the

"the ſenſe of the people can only be known from the people of England at large;" or he might go back again to his old doctrine, and ſay, "the ſenſe of the People of England can only be collected in the Houſe of Commons." But let the ſenſe of the People be taken at their bar, or in any other way, the language they would undoubtedly hold would be, "What, could you not do your duty for three ſhort months? Were you ſo haſty to dethrone the King, your lawful Sovereign, to whom you have all ſworn allegiance, that you treated him with the groſſeſt diſreſpect, and ſtript him of every mark of regal honour and diſtinction, after he had been ill no longer than a month?" What would the people ſay, when they heard it was refuſed to the Monarch by that ſet of men, who ſaid it was the public wiſh that they ſhould be the Miniſters of the Regent, although that wiſh had been circulated in whiſpers, ſo ſo low, indeed, that every perſon had not heard it? Was it poſſible, Sir John aſked, that theſe Gentlemen could ſeriouſly argue, that the Regent, with the army, the navy, the church, and all the officers of the public revenue at his command, could not carry on a vigorous and effectual Government? He ſaid, it was not Parliamentary to ſtate, that the influence ariſing from the patronage of places was abſolutely neceſſary to the carrying on of Government; but where was the integrity of that Houſe, if ſuch arguments were uſed? Was there no man who would act from the impulſe of an higher feeling, from a ſenſe of duty, and from what they owed to their character and to their country? If the Propoſition was a bad one, he hoped they ſhould hear that which would be a good one. He aſked if his Majeſty was not alive, and afflicted with a ſevere malady, and whether that circumſtance was not a reaſon for giving him additional attendance, rather than taking that away which he had before his illneſs. The noble Lord, he obſerved, had ſaid, that as ſoon as his Majeſty recovered, and reſtored himſelf to the Throne, the Regent would retire, and leave him in the undiſturbed poſſeſſion of the Government. It was the duty of that Houſe to take care that his Majeſty ſhould be enabled ſo to do, but they were not to leave it to chance, whether his Majeſty might have it in his power to do ſo or not. But it was ſaid, that the Propoſition gave all the Houſhold, in its preſent ſituation, to the Queen, and that it would be ſo much influence

thrown

thrown into the hands of Oppoſition. It was, he ſaid, a groſs and indecent reflection on the high and exalted character alluded to, to ſuppoſe that ſhe would employ her power for the purpoſe of oppoſing the Government of her ſon, the Regent. Sir John dwelt on this point, and, after declaring that no propoſition could be ſuggeſted, that was not clogged with ſome evil or other, that of two evils he had choſen the leaſt, and that in his honour and his conſcience, he thought the plan the Propoſition contained, the beſt, moſt ſafe, moſt expedient, and moſt politic, that could be adopted, all the circumſtances of the caſe conſidered.

Mr. *Fox* roſe, and combated the Reſtrictions. Perhaps, he ſaid, he might be partial to the talents of thoſe with whom he aſſociated, and peculiarly ſo, when they were perſons whom he could not but love and eſteem; yet he did not think it fair, he did not think it honourable, he did not think it candid, to introduce into a debate any compariſon between the abilities of the reſpective parties. From the difference, however, which he flattered himſelf could not but have been obvious during the diſcuſſion, he had not felt one moment of mortification from the preſſure of thoſe abilities, the weight of which he frequently dreaded, for he never had met with ſo little talent, or ſo little argument from people with whom he had to contend, and perhaps never leſs than that which had fallen from the Right Hon. and Learned Gentleman who ſpoke laſt. Perſonal encomiums had been ſuffered to mix in public meaſures; but he would not make the panegyric of the Prince of Wales the ground of his argument, nor would he ever liſten to the praiſe of the Queen or of his Majeſty. Mr. Fox.

Let us not, ſaid Mr. Fox, ſpeak of *the* King, but of *a* King; let us not ſpeak of *the* Prince of Wales, but of *a* Prince of Wales; let us not ſpeak of *the* Queen, but of *a* Queen conſort! He well knew that human beings had been deified, before a true and more rational religion was revealed; but it was done with the moral view of enforcing obedience to power, and making mankind happy. He well knew that there were characters in this country, to which he affected not to lay claim, who were called ſometimes high churchmen, and ſometimes Tories, ſometimes by one name, and ſometimes by another, who had endeavoured to render Majeſty

jeſty divine in order to give vigour to authority. But what did we now? We adopted the ſuperſtition of religion, and rejected its morality, which tended not to ſupport Government, but to enfeeble the arm of power. The Right Hon. and Learned Gentleman had talked of his allegiance to the King, an allegiance which was affected to belong to an object unable to protect him, and which, in the preſent ſituation of affairs, therefore, he could not feel. Allegiance, Mr. Fox conceived to be the reciprocal act which we naturally pay to the Monarch that affords us protection. That protection the Throne was now incapable of affording. If ſuch was the truth, was not the whole of the Bill founded in hypocriſy and fraud? It was aſſerted, nay inſiſted on, ſome time paſt, by the Right Honourable the Chancellor of the Exchequer, that there was not only the probability of a cure, but of a ſpeedy cure, and that eighteen months was the fulleſt extent of the time to be limited for the King's recovery. If Gentlemen looked forward to that diſtant period, it would be found more dangerous than uſeful to reſtrict the Prince's power of granting Peerages. If he was not miſtaken, which he could not ſuppoſe to be the caſe, as he ſpoke on undoubted authority, the Right Hon. Gentleman had placed forty-two Members in the Houſe of Lords ſince his acceſſion into office. "Are you afraid," ſays he, "that there is a confederacy in the Houſe of Peers? They have too much attachment to the Crown to form a confederary againſt the Regent." Allowing the juſtice of this argument, what evil could ariſe from their giving the Regent the ſame power which the Right Hon. Gentleman had himſelf ſo repeatedly exerciſed? Not only, ſaid Mr. Fox, is the privilege of making Peers denied, but the diſpoſal of the Houſehold Officers is to be placed in the hands of the Queen, leſt the King ſhould on his recovery behold a change in the faces of his political ſervants. This ſtrong attachment to the Crown may however be productive of the moſt miſchievous conſequences. The Right Hon. Gentleman exclaims, Who can imagine that a Queen could combine againſt her ſon? when at the ſame time he aſſerts that Heirs Apparent have joined againſt the intereſt of the Crown. If ſuch facts occur in political hiſtory, why may not a mother be equally ſuppoſed to combine againſt her ſon? Have not other

Queens

Queens been biaſſed by bad adviſers, and was our Queen leſs likely to be thus influenced? Mr. Fox ſaid, he knew enough of the human heart to be convinced that a competition for power breaks and diſſolves all the deareſt ties of nature, kindred, tenderneſs, and affection! The Right Hon. Gentleman had aſked whether it could be ſuppoſed, that when he quitted his preſent office, he would head a factious Oppoſition? That queſtion he was not obliged to determine, and did not think it proper to diſcuſs. Oppoſition might be in earneſt, but not factious. He had ſpent the greateſt part of his life in Oppoſition, and though he was likely to leave it for a time, he could not help feeling ſome hankering after Oppoſition ſtill. The love of former habits might, perhaps, ariſe from the probability of his being ſooner or later obliged to return to Oppoſition again; but from whatever cauſe it originated, that love, that hankering remained. Let the Right Hon. Gentleman head an Oppoſition; but let him not uſe unfair arms, or contrive any ſecret machinations. If any diminution of Royal Power be neceſſary, it is that of the Crown, not that of the Regent; for the government of a Regent being naturally weaker than the government of a King, ought to be ſtrengthened by every conſtitutional prerogative. If this country ſhould be afflicted with the loſs of the King, let us then watch the Regent, and not grant him one atom of power beyond what is ſtrictly neceſſary. The Right Hon. Gentleman having diveſted the Regent of his juſt prerogatives, ſays, do you wiſh for the Government of the country for the purpoſe of giving away places, and offices, and emoluments? My anſwer, continued Mr. Fox, is, that I would not accept the Government without enjoying thoſe powers and that patronage which are given me by the Conſtitution. As for accepting ſuch an office for the mere ſake of emoluments, according to the low ideas annexed to the word, it is what I diſdain. And the Hon. Gentleman well knows, that if I ſought an high office merely on a principle of avarice, I muſt be the moſt ignorant of mankind. But perhaps we are the firſt men who ever ventured to confer all the ſhare of reſponſibility on one ſet of perſons, and all the power on another. However I may offend the Hon. Gentleman behind me [Mr. Pulteney,] who has always honoured me with his eſteem, notwithſtanding the difference

difference in our political opinions, I muſt repeat it, that I would not accept the adminiſtration of affairs unaccompanied by all the patronage, all the emoluments of the office which are annexed to it by the Conſtitution. Mr. Fox then aſked, if the Right Hon. Gentleman over againſt him had not been ſaid to have done ſervice to the country; that he ſerved his country on the Continent, he admitted, but could he have done it without the uſe of that patronage and thoſe emoluments now to be withheld from the government of the Regent?

Mr. Fox ridiculed the Lords of the Bedchamber, and called them that Prætorian guard of Houſehold Troops, who, though they had fought bravely under the banners of the Right Hon. Gentleman, might, if placed in Oppoſition, prove factious and unſteady, and, unable to endure the unproductive fatigues of an Oppoſition campaign, might run over to the enemy. They were troops which the Right Hon. Gentleman employed only on occaſions of danger. But let it be remembered, that thoſe ſervants of the Crown might deſtroy the Crown. Mr. Fox adverted to the indecent cuſtom of attacking perſons inſtead of attending to things, and ironically ſpoke of the crooked policy of the Duke of Portland, the factious ſpirit of Earl Fitzwilliam, the deep inſidious policy of the noble Lord near him in the blue ribband, and above all the deſperate wickedneſs of Lord John Cavendiſh! Mr. Fox, then, adverting to what he had formerly ſaid on the ſubject of placing the reſtrictions on the Regent, illuſtrated his meaning by putting the following caſe. A. and his friends in the Oppoſition, have a perſonal objection to B. the Miniſter, whom A. was adviſed in as conſtitutional a manner as poſſible to endeavour to remove. No, ſays A, I will remove him in a more effectual manner. What then will they do? They will cripple the executive power of the Government, and deſtroy the eſſential principles of the Conſtitution. The Prince is deprived of many of his powers, in order to give the Government energy and effect, and to gratify the King with a ſight of his favourite Houſehold Troops, when he returns to a ſtate of health. But will any perſon ſay, that the Lords of the Bedchamber would be certain to remain in office till his Majeſty's recovery? Is not the Queen as likely to change them as the

Regent? The preſent Bill had been compared to the Eaſt India Bill. But the Right Hon. Gentleman ſays the preſent Bill is temporary. Was the India Bill a perpetual one? The India Bill took nothing from the Crown, and gave nothing to the Crown. It took power out of the hands of one ſet of ſubjects, and placed it in the hands of another. It annihilated the power of the Directors of the Eaſt India Company, and gave it to a Board of Commiſſioners appointed by Parliament. Mr. Fox alluded to what Sir John Scott had ſaid with reſpect to the three different methods of collecting the ſenſe of the people. He had been aſked whether he would adhere to the firſt method, or to the ſecond, or to the third? He would adhere to them all, as occaſion might require. That Houſe was, generally ſpeaking, the organ of the ſenſe of the people, but it was not always a perfect organ of that ſenſe. It was, however, a better organ of the ſenſe of the people, than the aſſertion of the Right Hon. Gentleman. The whole ground of the reſtrictions of the Regency, was that of the probability of his Majeſty's recovery. He would not canvas that probability, but he muſt ſay, that the Houſe went on moſt dangerous grounds when it changed the Royal Office rather than the Royal Perſon. The uncertainty of phyſic was allowed by the firſt of the profeſſion, as an uncertainty greater than that of any other ſcience. Let the Right Hon. Gentleman confeſs with him, that the meaſures on the occaſion ſhould be proportioned to the neceſſity of the caſe. To the period, ſaid Mr. Fox, at which you conceive his Majeſty, if capable of being cured, is likely to recover, limit the Reſtrictions: but do not limit the Bill. The natural conſequence, in the time of Charles II. of the two Houſes legiſlating without the King, was, that they impaired the power of the Crown, and ultimately ruined the Conſtitution, which had not been their intention. Why do we now attack the power of the Crown? Not for the generous purpoſe of diminiſhing its influence in favour of the people, but for the ſuperabundant love of the King, and from a wiſh to ſecure his reſtoration. But how ſhall we ſecure it? By diſtruſting the Regent and placing an implicit power in Parliament? They had better diſtruſt Parliament than the Prince of Wales, becauſe the Prince had the greateſt intereſt in the Crown, which muſt devolve to him after the death of his father. It was ſaid, will you ſuſpect the power of giving away

a few places can influence the Queen? I do not ſuſpect it of influencing *the* Queen, but *a* Queen. I will ſuſpect that the Queen is as capable of loving power, as the Prince of Wales was of wiſhing to preſerve it; and that ſhe may be influenced by her adviſers. Mr. Fox approved the idea of committing his Majeſty's perſon into the hands of the Queen, but lamented the circumſtance of her having ſo much power placed in her hands, as that of diſpoſing of the Officers of the Houſehold. He mentioned what was to be done in caſe of a demiſe happening to the Queen or the Prince of Wales, and ſaid, that if an attempt were made to ſet up a principle of competition between the Prince of Wales and the Duke of York, though it would be as eaſy to pluck the planets from their ſpheres,—yet were ſuch a thing effected, a faction would be created which might prove the ruin of the country. The queſtion reſpecting the Houſehold was plainly this: ſhould a King have a pageantry, which he could not enjoy, to the detriment of the prerogatives of the Regent, and the principles of the Conſtitution? France was ſaid to be in a ſtate of imbecility. Perhaps ſhe was; but was it any argument, that becauſe ſhe was in a ſtate of imbecility, we were to make ourſelves a match for her in weakneſs? Miſery melts the heart, and takes away the ſtrings of reſentment. When we were in a ſtate of imbecility and miſery, we might ſay to our neighbours on the other ſide of the water, let us be lookers on, and ſee what confuſion and animoſities paſs on the Continent, without ourſelves venturing to interfere. A Right Hon. Gentleman had talked of a weak Government preventing miſchief. It was known, that among the generous and liberal-minded, the female ſex was ſtronger than the male. Perhaps, when the Right Hon. Gentleman commended the efficiency of a weak Government, he was actuated by the ſame motive of chivalry.

Mr. Fox ſaid, he had underſtood that a proviſion was intended to be made for the Prince of Wales.

It might perhaps be a matter of delicacy to ſtate the opinion of his Royal Highneſs, but he knew it to be the ſentiments of his Royal Highneſs, that it would be highly irkſome to him, to add any burthen to the Country in its preſent melancholy and calamitous ſituation, for the purpoſe of encreaſing the ſtate and dignity of his rank as Regent.

After

After this declaration, Mr. Fox ſaid, if any expence were unavoidable, in his mind it ought to be defrayed out of the Civil Liſt. Before he ſat down, among various other pointed arguments, remarks, and declarations, he aſſerted, that he ſhould conſider his duty to his conſtituents as of the firſt importance, and prefer his duty in that Houſe as a Member of Parliament, to that of a ſervant of the Crown. He ſhould therefore be ready to oppoſe any inordinate power in the Regent, as much as he uſed to do in the Crown; and he hoped and truſted that the Houſe would not give its authority to a meaſure which tended to break all the ſtrings of Government, and to violate the Conſtitution.

Mr. *Wilberforce* ſpoke in favour of the Reſtrictions, and ſaid, that not *the* Prince but *a* Prince might prove ſo powerful as to cauſe *a* King to be dethroned. A perſon, he ſaid, like his Learned Friend near him [Sir J. Scott,] who had applied himſelf with diligence and ſucceſs to the ſtudy of the law, could not be ſuppoſed to have by that means weakened his underſtanding; from the ſuperior knowledge of Parliamentary forms which his Hon. and Learned Friend had thus acquired, he was often inclined to think that Gentlemen would be apt to ſuſpect his intentions were rather to miſlead by dint of ſuperior ability, than to convince by fair argument. If the power of the King were diminiſhed, the government of this country was weakened, and ſo if the power of the Regent was diminiſhed, the government of the country was likewiſe weakened. Mr. Wilberforce ſaid, the Gentleman who ſpoke before him had proved himſelf to poſſeſs more religion than he thought belonged to him; and when he ſpoke ſo much againſt ſuperſtition, he could attribute it only to the diſguſt which he muſt have felt for the religious rites of the foreign countries through which he had lately paſſed. It was much more eaſy in any ſituation to prevent the King's return to the Crown, than Gentlemen might imagine. Had not the Right Hon. Gentleman yet forgot his foreign politics? Was he ſo eager to take advantage of the imbecility of the French Government, and to take the field againſt our former enemy? If we gave all the Royal Powers with thoſe reſtrictions only which had been propoſed to the Prince of Wales, ſufficient authority would be given for the neceſſary purpoſes of a Regent. The Prince might be declared Regent, but it was their

Mr. Wilberforce.

duty to take care, that he was not placed upon the Throne in the life-time of his father.

Mr. Drake. Mr. *Drake* ſaid, there were very few caſes in which he muſt be obliged to differ from the Right Hon. Gentleman at the head of his Majeſty's Exchequer; that he admired his character and talents, but on the preſent occaſion he could not help differing from the Right Hon. Gentleman. Mr. Drake urged the Houſe not to embarraſs her Majeſty, by taking her out of the domeſtic ſtation in which ſhe had ſo long moved with ſo much virtuous attention to her family, and forcing her to become a Politician. It had been the boaſt of all who knew her Majeſty, that ſhe never had meddled with politics, why then ſhould ſhe now be compelled to become a Partiſan? He conjured the Committee on the preſent occaſion to act with one wiſh, one feeling, one loyalty. He ſpoke of the wonderful abilities of the two great leaders of the different ſides of the Houſe, and ſaid, he hoped to ſee the time, when theſe two great characters ſhould no longer be acting as political adverſaries, but in concert co-operating in meaſures calculated for the general good. With regard to the retrenching of the Royal Houſehold, Mr. Drake ſaid, he could not but think from the ſituation of his Majeſty, that he could not want the higher Houſehold Servants of the Crown about him. Mr. Drake ſaid, an Hon. Friend of his had moved an Amendment, which he ſhould have offered, had it not been propoſed, and that was to ſimplify the Queſtion; as it ſtood it was far too complicated. He was glad, therefore, that it had been moved to divide it; he did not, however, like the Miniſter's adherence to the Propoſition in the complicated and entangled form in which it had been originally moved, and he declared, that if he had not a large ſhare of confidence, he ſhould have entertained a great deal of ſuſpicion on that account.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, from all he had heard from thoſe on the oppoſite ſide, it would not be neceſſary for him to prolong the debate by any farther argument in ſupport of the Motion. The Right Hon. Gentleman had been pleaſed to ſay, that he had been able to diſcover neither argument nor talent in any of thoſe who had ſpoken in favour of the Queſtion; he happened to differ from the Right Hon. Gentleman, and was perſuaded he had heard a great deal of both from ſeveral Gentlemen,

but

but moſt eſpecially as much of each as could be advanced and diſplayed in a ſmall compaſs, from an Hon. Friend of his who had lately ſat down. He ſaid, he would not enter into argument again, but would proceed to anſwer two points, which had been put to him by way of queſtion. The firſt of theſe was, a queſtion when the Reſtrictions would be taken off the Regent? With regard to the preciſe time there was great difficulty and inconvenience in fixing that. If, contrary to his ſanguine expectation and belief, the King's recovery ſhould after ſome time be protracted, and his Majeſty's Phyſicians ſhould pronounce that it was not likely to take place ſoon, in that caſe he ſhould be of opinion that they muſt be taken off altogether. With reſpect to the Reſtriction of making Peerages, when the time he had deſcribed ſhould come, that Reſtriction ought in his mind to be given up, and done away. At the period he had deſcribed, the eſtabliſhment of the Houſehold might be reviſed and new modelled. Some proviſion alſo muſt be made reſpecting the real property of the Crown, and as to the places for life, patents, &c. he ſhould then think it expedient to give the Regent a power to grant ſuch as had always been places for life. Another queſtion had been aſked him, to which he was extremely deſirous of giving an anſwer; and that was, what the ſort of proviſion was, that was to be made for the ſupport of the dignity of the Regent, and when it was to take place? With regard to the time when, he ſhould think that immediately after the Bill ſhould paſs, appointing his Royal Highneſs the Prince of Wales Regent, the next thing that followed ought to be the providing a proper retinue to ſupport the Prince of Wales's rank of Regent with becoming dignity and ſplendour. As to the queſtion of what this proviſion was to conſiſt in, that was not in his own mind fully determined. With regard to his Royal Highneſs's declaration as inſinuated by the Right Hon. Gentleman, that he would lament any addition being made on his account to the burthen of the public; every man, Mr. Pitt ſaid, muſt applaud the magnanimity and liberality of the ſentiment, a ſentiment which his Royal Highneſs had inherited, he had no doubt, from the liberality and magnanimity of his princely father; but though he was peculiarly well aware what heavy burthens the people ſuſtained, and ſince he had the honour of being in his Majeſty's ſervice had felt

the painful taſk of being obliged to add conſiderably to thoſe burthens, in order to meet the exigencies of the country, and endeavour to retrieve its loſt commerce and ſinking credit, (an endeavour which he had the happineſs of ſeeing crowned with the moſt ample ſucceſs, the good ſenſe and firmneſs of the people inducing them chearfully to ſubmit to burthens which neceſſity demanded to be impoſed) yet, notwithſtanding theſe circumſtances, nothing ſhould deter him from coming forward and propoſing a new eſtabliſhment ſuitable to the rank, the character, and the dignity of the Regent. Nor could he think of taking the ſum neceſſary to provide for this eſtabliſhment out of the Civil Liſt, which was the property of his Majeſty, but he would fairly appeal to the public, by whom he had been ſo highly favoured, not doubting but that they, who had ſo chearfully and ſo ſucceſsfully contributed ſo much, and ſeen their credit and their commerce reſtored and raiſed in conſequence to a moſt flouriſhing ſtate, would with equal chearfulneſs contribute, what (compared with the money that had been before raiſed upon them) was but little indeed, in order to provide for ſo unavoidable and ſo ſingular an exigency. He knew not whether he ſhould be left to propoſe this matter, or whether it might not devolve to other hands; but, whether in or out of office, he ſhould be ready to ſtand forward on ſuch an occaſion, and place the expence where in his mind it ought to fall, on the public purſe of the country.

Mr. Sheridan.

Mr. *Sheridan* aſſured the Committee he would not prolong the debate, and when he ſaid ſo, he declared, he meant to keep his word better than the Right Hon. Gentleman had done. It was not, Mr. Sheridan ſaid, an agreeable taſk to enter on the degree of comparative abilities with which the Reſolution had been debated, and the more ſo when the perſon who undertook to comment upon the matter, had himſelf been principally concerned in the debate. The Right Hon. Gentleman's explanation required an explanation. The Right Hon. Gentleman, he obſerved, had given his Right Hon. Friend no anſwer whatever as to the time when the Reſtrictions would be taken off the Regency in caſe his expectations of his Majeſty's recovery ſhould prove to have been unwarranted, as he verily believed they would turn out. And there was another matter of no ſmall importance, reſpecting which the

the Right Hon. Gentleman had not ſaid one word, and that was the Council that was to be provided for the Queen, as guardian and truſtee of his Majeſty's Royal Perſon. The Right Hon. Gentleman, on his firſt opening of his plan on a former day, had omitted to ſtate even that there was to be a Council, till the Reſolution came to be read, and then the Hon. Gentleman had ſtarted up, and put in his Council, like the poſtſcript to a letter, or a matter of trifling conſequence, taking care to tell them no more, than it was to be a Council of Advice, not a Council of Controul. Mr. Sheridan ſaid, the nature and conſtitution of the Council ought to be explained, and the Committee ought to be told of whom it was to conſiſt, before they were called upon to vote it. Mr. Sheridan, in the courſe of his ſpeech, delivered himſelf tauntingly and with aſperity.

The *Chancellor of the Exchequer* ſaid, where he not determined to leave nothing unexplained, the manner in which the Hon. Gentleman had called for an explanation would have cauſed his ſilence. Mr. Pitt then ſtated, that it was impoſſible for him to ſay when the Reſtrictions would be fit to be taken off the Regent in caſe his Majeſty ſhould not recover as was expected, but that Parliament would always have it in its own power to remove them. With regard to the Council, he thanked the Honourable Gentleman for having given him an opportunity of explaining its nature and conſtitution, which he ſhould have been ſorry to have left unexplained, and it really had eſcaped him. He then ſtated, that the Council was to be ſolely a Council of Advice, and in no ſort a Council of Controul. That it was to include in it all the Great Officers of his Majeſty's Houſehold, with ſome of the Right Reverend Prelates, to give it the gravity and ſolemnity due to its importance. Mr. Pitt.

Mr. *M. Montague* roſe, but the Committee were ſo clamourous for the Queſtion, that the ſtrangers were deſired to withdraw. Mr. M. Montague.

At length the Committee divided on the Queſtion, that the words in the middle of the Queſtion ſtand part of the Motion.

Ayes	—	—	—	229
Noes	—	—	—	165
		Majority	—	64

Lord North. Lord *North* then moved, that the words "for a limited time," be added to the Motion, upon which the Houſe divided,

Ayes	-	-	-	164
Noes	-	-	-	220

The Houſe being reſumed, it was moved, "That theſe Reſolutions be *now* read."

Mr. Rolle. Mr. *Rolle* immediately roſe to ſay, that he gave his conſent to appointing the Prince of Wales Regent, only upon the ground that he was not married to Mrs. Fitzherbert either in law or equity.

Sir F. Baſſet. Sir *F. Baſſet* called him to Order, and ſaid, that no man ought to uſe ſuch language, unleſs he was prepared to bring forward ſome ſpecific Propoſition.

Mr. Rolle. Mr. *Rolle* appealed to the Chair, whether he was diſorderly, repeating his former words. He added, that having heard from a Right Hon. Gentleman (Mr. Fox) on a former occaſion, an explicit diſavowal of any ſuch marriage, though he had ſince heard and read, that the diſavowal was not warranted, he nevertheleſs ſo far truſted to the Right Hon. Gentleman's declaration, as to agree to make the Prince Regent. He meant, however, when the Bill was brought in, to move ſeveral clauſes upon that point, which no threats or oppoſition ſhould induce him to decline doing. Lord North reflecting upon Mr. Rolle for what he had ſaid, he declared, that he alluded not to anonymous publications, but to a pamphlet with a name to it at full length.

Ld. North. Lord *North* replied, that an aſſertion at the very beginning of that pamphlet was ſufficient to diſcredit it; for the author, who was a very ingenious gentleman, ſet out with declaring, that the Marriage Act was no law; and if aſſertions of that ſort, ſtating an Act paſſed by King, Lords, and Commons, was to be believed, we were in a ſtate of nature, and there was an end of all government.

Mr. Pulteney. Mr. *Pulteney* propoſed ſome words to limit both the Reſtrictions and the whole power of the Prince.

Mr. Pitt. Mr. *Pitt*, though he rather preferred leaving the period unſettled for the preſent, yet had no particular objection to limit the duration of the whole bill, as the whole ſettlement of the Regency would then undergo a proper conſideration, and the ſtrong objections

tions he had made againſt limitting the Reſtrictions only, would, in a great meaſure, be obviated.

Mr. *Fox* rather agreed with Mr. Pulteney, but begged the Houſe to obſerve, that they were in truth turning the Conſtitution into a republick by ſuch repeated elections of the Chief Magiſtrate. Mr. Fox.

The propoſition was agreed to be withdrawn at preſent, in order to be propoſed again in the Bill.

This converſation over

The Reports were read a firſt and ſecond time.

An Amendment was propoſed, after "empowered" to inſert "for a time to be limitted." Withdrawn by leave of the Houſe.

In the ſecond Reſolution, after "extend" to inſert "after a time to be limitted." Negatived.

In the third Reſolution the ſame amendment; and after the word "offices" to inſert "as were on the firſt day of November laſt held for life, except ſuch offices." Negatived.

Then the third, fourth, and fifth Reſolutions were read and agreed to, and ordered to be communicated to the Lords at a Conference; and that Mr. Wilberforce do go to the Lords, and deſire ſuch Conference.

Monday, January 26.

A meſſage was brought from the Lords, deſiring a Conference. It was then moved, that the Managers who conducted the laſt Conference ſhould likewiſe conduct the Conference now deſired. Their names were accordingly called over, and they withdrew to the Houſe of Peers, and in a ſhort time returned with the Reſolutions agreed to.

The Committee on the State of the Nation was, upon motion, put off till to-morrow.

The Maſters in Chancery having brought a Meſſage from the Houſe of Lords, requeſting a preſent Conference, and the ſame having been read from the Chair,

Mr. *Burke* roſe to enquire about the ſubject matter of the intended Conference. Rumour had circulated that a proceeding Mr. Burke.

of conſiderable importance was about to take place in the other Houſe of Parliament; he truſted, therefore, that the Right Hon. Gentleman would give them ſome information on the ſubject, and the Reſolutions having been ſent up from that Houſe, would ſtate to them what was the next ſtep they were to be called upon to take, that they might not wander in the dark.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, he ſaw no great impropriety nor irregularity in the preſent proceeding, nor in the ſteps they had hitherto taken. They had ſent the Reſolutions, as ſoon as the Houſe had voted them, up to the Houſe of Lords and now a Conference was demanded by the Lords; it was impoſſible for him to ſtate what would paſs at that Conference, but he ſhould ſuppoſe the object of it very probably was to let them know, that the Houſe of Lords had agreed to the Reſolutions ſent up by that Houſe, and ſurely no Gentleman would object to the Conference that was deſired, but conſider it as a matter of courſe.

Mr. Burke. Mr. *Burke* ſaid, if he had riſen to oppoſe the Conference, the Right Honourable Gentleman's anſwer would have been not only ſtrong but a fair one, but he appealed to the Houſe whether he had objected to the Conference; he had merely riſen to aſk for information, and that information was, it ſeems, denied the Houſe. Mr. Burke added ſome general reflections on the ſteps that had been taken by the two Houſes hitherto, and ſaid, every ſtep they proceeded was an attempt to introduce ſome new principle in the Conſtitution.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, no man could be more ready than he was at all times to give every information that he could, with any ſort of conſiſtency, to that Houſe; whenever he had a meaſure to propoſe he was ready to open it fully after due notice given, and when the time of the notice was not thought ſufficient, he was at all times willing to enlarge it; but ſurely it was not introducing any new principle in the Conſtitution for him, as a Member of that Houſe, to refuſe giving any information of what was about to paſs in the other Houſe, of which as a Member of Parliament he could not be ſuppoſed to know any thing.

Mr. Burke. Mr. *Burke* contended, that ſending up the Reſolutions to the Houſe of Lords tended fundamentally to deſtroy the deliberative capacity of that and the other Houſe of Parliament. Voting Reſolutions

ſolutions in the abſtract, was, he ſaid, a new mode of proceeding attended with much inconvenience. Their former regular way had this advantage, they were not committed by the other Houſe, but had frequent opportunities of knowing whether the Bill introduced by the other Houſe, and grounded upon their Reſolutions, was a monſter or not. By the mode that had been adopted of their voting Reſolutions in the name of the Houſe of Lords, and obtaining the ſubſequent concurrence of that Houſe, the Houſe of Lords had pledged themſelves to the Bill founded on thoſe Reſolutions, and that Houſe in the ſame reſpect were pledged, ſo that the two Houſes were mutually pledged to each other, a circumſtance that tended to undermine and take away the deliberative capacity of both. For this, Mr. Burke ſaid, they had but one Precedent, and that was the Iriſh Propoſitions, but at that time much weighty and ſerious argument had been urged againſt ſuch a mode of proceeding; for his part, he thought the reaſon aſſigned for it a bad one at that time, and he thought ſo then. The ſame reaſon, however, did not then exiſt, viz. that that they were obliged to wait for the concurrence of a third party.

The Queſtion was then put, and it was agreed that the Requiſition of the Houſe of Lords be complied with, and a preſent Conference held in the Painted Chamber.

As ſoon as the Conference was over, the *Chancellor of the Exchequer* informed the Houſe, that the next ſtep he ſhould propoſe, would be to lay the Reſolutions, voted by the two Houſes, before his Royal Highneſs the Prince of Wales, in order to know whether his Royal Highneſs was willing to accept the Regency upon thoſe conditions, and therefore he gave notice that he ſhould make a motion for an humble Addreſs for that purpoſe the next day. Mr. Pitt.

Mr. *Grey* ſaid, he did not riſe to object to the propoſed Addreſs; perhaps many Members might not be apprized of ſuch a meaſure being intended. He roſe to obſerve, that the Right Honourable Gentleman did not ſeem to have made up his mind to any plan whatever; if he had, he would aſk the meaning of the preſent propoſition for laying the Reſtrictions before his Royal Highneſs the Prince of Wales, and addreſſing the Prince to know whether Mr. Grey.

whether he would accept the Regency on thoſe conditions or not? He had heard, Mr. Grey ſaid, in a Committee, from an authority which he was bound to conſider as one of the firſt authorities in that Houſe, that they were a regular Parliament. If then they were a compleat Legiſlature, he knew not why they ſhould addreſs the Prince of Wales at all. He thought it the leſs neceſſary, ſince it was underſtood that the Reſtrictions had already been communicated to the Prince. He could not, therefore, but expreſs his ſurpriſe at the unconnected and inconſiſtent mode upon which they were every day proceeding, without ſyſtem or plan of any kind, and every ſtep tending more and more to procraſtinate, while the Right Hon. Gentleman was daily complaining of the miſchiefs of delay.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, whether he had been the perſon in any part of the proceeding to manifeſt a deſire to delay, was a matter on which he would not ſay one word; he would leave it to the judgment and recollection of that Houſe, and of the impartial public to decide. Let them recollect the ſteps they had taken; they had, in the firſt inſtance examined his Majeſty's Phyſicians, and aſcertained his incapacity; an intention having then been intimated to aſſert a right to aſſume the exerciſe of the Royal Authority, it became neceſſary to diſcuſs that point and decide upon it; having done ſo, the Houſe had proceeded to lay the grounds upon which a Bill was afterwards to be brought in, appointing and declaring a Regent; theſe grounds were contained in certain Reſolutions, which they had ſent up to the other Houſe, and now awaited their anſwer. Having laid down the principles of the Government to be eſtabliſhed during the preſent critical time; the next ſtep they had to take, before they put it into the form of a law, was to endeavour to know, whether his Royal Highneſs the Prince of Wales was willing to accept the Regency upon the principles contained in the Reſolutions. Whether there was any thing unſyſtematical in that mode of proceeding, he would not then take notice. With regard to the Reſtrictions having been already communicated to his Royal Highneſs, that Houſe and the other could not act on any ſuppoſition of a private communication between his Royal Highneſs the Prince of Wales, and his Majeſty's Miniſters. They muſt proceed in that Parliamentary

mentary method, which could alone furniſh them with information of ſufficient authenticity to warrant any further proceeding; with this view it was, that he ſhould move an Addreſs to his Royal Highneſs, but as it would not be orderly to debate the Addreſs before it was moved, the Honourable Gentleman muſt excuſe him, if he did not go into it as the Honourable Gentleman ſeemed to deſire; the motion for an Addreſs was, as he ſhould conceive, a motion on which it would be impoſſible to hear a diſſentient opinion.

Mr. *Grey* ſaid, he certainly roſe not to debate the Addreſs before it was moved. When he had ſtated, that his Majeſty's Miniſters went on without any plan or ſyſtem, he ſtated what appeared to him plain upon the face of it. The Honourable Gentleman, in anſwer to the charge of delay, had deſired Gentlemen to exerciſe their recollection; the Houſe had no occaſion, however, to carry their recollection far back, ſince the conduct of the Right Hon. Gentleman that day, was a ſufficient proof of the deſire of delay which he had imputed to him. Mr. Grey.

Mr. *Jolliffe* reminded the Houſe, that when he had lately put the Queſtion to the Right Honourable Gentleman, whether he had communicated the Reſtrictions to the Prince, the Right Hon. Gentleman had ſaid, it was an unparliamentary queſtion; but now the Right Hon. Gentleman openly moved, that they ſhould be communicated. He ſeemed to ſee that he had proceeded in the dark, and that he muſt begin *de novo*. If the Right Hon. Gentleman would have the good ſenſe to conſult the gentlemen of the law, they would adviſe him to abandon the circuitous and indirect path, and to do what was, in his poor opinion, right, and he believed he might ſay, right in the opinion of the nation—declare the Prince of Wales Regent without any Reſtrictions at all. Mr. Jolliffe.

Mr. *Burke* charged the Chancellor of the Exchequer with acting arbitrarily, and making *ſic volo, ſic jubeo, ſtet pro ratione voluntas*—the rule of his conduct. The Right Hon. Gentleman ſaid, the only cauſe of delay had been the diſcuſſion of their right to act. He deſired to know, who it was that had queſtioned that right? Where was the queſtion to be found? Becauſe ſome people ſeemed inclined to debate the queſtion, the Right Hon. Gentleman had Mr. Burke.

forced

forced the Houſe into the diſcuſſion, and in his haughty ſtyle ſaid to the Houſe, "Slaves, do you preſume to heſitate, or hint a doubt upon the matter, I will put an end to your ſcruples; the queſtion ſhall be debated, it ſhall be decided." They all knew, Mr. Burke ſaid, the terms of the dominion the Right Hon. Gentleman meant to exerciſe over the Regent's government, terms of as abſolute tyranny as any exerciſed by Julius Cæſar, Auguſtus, or Oliver Cromwell. With regard to the doubt of that Houſe's right to act, of which the Hon. Gentleman had talked, no man meant it, no man had ſaid it, but the Right Hon. Gentleman had ſtooped from the dignity of the ſupreme ſovereignty which he had aſſumed, to combat a right that had not been claimed. Mr. Burke ſaid, he diſliked that union of the Fox's tail and the Lion's ſkin. It was an unnatural junction of low cunning and ſupreme authority. He added other warm remarks tending to charge the Miniſter with having been the true cauſe of all the delay that had taken place.

Sir Joſeph Mawbey.

Sir *Joſeph Mawbey* began with remonſtrating againſt Mr. Burke's ſuggeſtion, that any man could exerciſe tyranny over that Houſe, be his ſtation ever ſo exalted. Sir Joſeph ſpoke highly in praiſe of the Chancellor of the Exchequer, but declared he for one never could allow that Regents were Kings, or that they had an equal right to the unreſtrained exerciſe of ſovereign power. He knew there had been Regents who had done honour to their own characters, and met the approbation of the people. The Houſe might learn, he ſaid, from the papers of that day, the contents of the letter of the Miniſter to the Prince of Wales upon the ſubject of the Reſtrictions, and the Prince's anſwer. Sir Joſeph ſpoke of the peculiar circumſtances of the caſe, as warranting a peculiar mode of proceeding, becauſe, ſhould the King, in the courſe of a few weeks, a few months, a year, or a year and half, recover, and be able to reſume the reins of Government, it was the duty of the two Houſes to provide that his re-aſſumption of the exerciſe of the Royal Authority ſhould not be impeded or embarraſſed. Sir Joſeph maintained, that the people, from whom all power was originally derived, had an indiſputable right, whenever a convulſion of the Government, or a temporary ſuſpenſion of the exerciſe of the Royal Authority occurred, to ſay what authorities ſhould be veſted in

thoſe

thoſe appointed to rule the Realm, and to preſcribe ſuch Limitations and Reſtrictions as they ſhould think proper.

Mr. *Sheridan* wiſhed to aſk the Right Hon. Gentleman a queſtion. What he had ſaid in general terms of the intended Motion of an Addreſs to the Prince of Wales, might do for thoſe who would wiſh to give an implicit confidence to every thing that fell from the Right Hon. Gentleman; but there were other deſcriptions of men who might reaſonably expect a more ſatisfactory anſwer. As the Reſtrictions ſtood, the Right Hon. Gentleman would be pleaſed to recollect, there was nothing in them that intimated that they were calculated to continue for a limited time only. Upon the face of the Reſolutions, they appeared deſigned to be permanent; he ſubmitted it to the Right Hon. Gentleman, therefore, whether it was not abſolutely neceſſary, by ſome means or other, to ſignify to his Royal Highneſs the Prince of Wales, that they were meant to continue in force only for a limited time. Perhaps the Right Hon. Gentleman meant to do it in the Addreſs, but certainly it was material that it ſhould be done one way or other, Mr. Sheridan ſaid, he underſtood there was to be a Commiſſion paſſed to open the Parliament as ſoon as the Prince's anſwer to the Addreſs was received, and it was ſaid that his Royal Highneſs was to be one of the Commiſſioners.. He hoped, therefore, the Hon. Gentleman would inform the Houſe how the Commiſſion was to be conſtituted. Mr. Sheridan preſſed the neceſſity of ſignifying that the Reſtrictions were to be only for a limited time, ſince, as the Reſolution ſtood, there was nothing contained in them which led to any other idea than that of their being permanent. Mr. Sheridan.

The *Chancellor of the Exchequer* ſaid, when the Reſolutions had been carried to the Prince of Wales, and the anſwer of his Royal Highneſs obtained, it would then be time enough to diſcuſs the propriety of the Commiſſion to be paſſed for opening the Parliament. Mr. Pitt.

Mr. *Sheridan* aſked, if there was not ſome danger in adopting that mode of proceeding? He deſcribed the awkward ſituation in which it would place the Prince, by ſtating, that if the Addreſs were preſented with the Reſolutions, and the anſwer was, that his Royal Highneſs was willing to accept the Regency on thoſe conditions, whether when the Commiſſion was iſſued, and the Prince might Mr. Sheridan.

might not chooſe to have any thing to do with it, he would not be precluded from refuſing, and be conſidered by his anſwer to have pledged himſelf to conſent to all the ſubſequent proceedings relative to the appointment of the Regency?

Mr. Pitt. The *Chancellor of the Exchequer* repeated, that the firſt object would be to carry up the Reſolutions, and the other matters, ſuch as ordering a Commiſſion to be iſſued in the King's name for the opening of Parliament, &c. &c. would come under diſcuſſion hereafter. The Chancellor of the Exchequer moved to diſcharge the Order of the Day, and that the Committee on the State of the Nation ſtand for Wedneſday.

Mr. Burke. Mr. *Burke* ſaid, as the Addreſs to the Prince of Wales was to be moved only the next day, and it would be probably late in the evening before the Addreſs could be preſented, there would ſcarcely be any time for receiving the Prince's anſwer, before they went into the Committee on the State of the Nation on Wedneſday.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, he had named Wedneſday as the neareſt open day, that the Houſe would next day be better enabled to judge after the debate on the Addreſs ſhould be over, whether they ought to move the order for the Committee on the State of the Nation to a future day or not, and the whole matter would be at their diſpoſal.

Tueſday, January 27.

ADDRESS TO THE PRINCE OF WALES.

The *Chancellor of the Exchequer* moved, that the Reſolutions which had been agreed to by the Houſe be read.

The Reſolutions having been read by the Clerk,

Mr. Pitt. The *Chancellor of the Exchequer* again roſe. He ſaid, the propoſal he meant to offer to the Houſe appeared to him wholly as a matter of courſe, flowing from the ſteps they had already taken. To lay the Reſolutions they had come to before the Prince of Wales, in order to aſcertain whether his Royal Highneſs would accept of the Regency under the Reſolutions agreed to, previous to their putting them into the form of a law, was a meaſure that had ſtruck him as ſo proper, that had it not been for what had paſſed the preceding

preceding day, he ſhould not have imagined that there would have been one diſſenting voice; and ſo little aware was he of the oppoſition intended to be made, that he could not argue on anticipation, and obviate the objections before they were ſtated. Without therefore taking up more of the time of the Houſe, he would only make his Motion, reſerving a right to anſwer any objection that might be ſtated. He then moved,

"That a Committee be appointed to communicate to his Royal "Highneſs the Prince of Wales the Reſolutions which the Houſes "of Lords and Commons have agreed to, for providing the means "of ſupplying the defect in the perſonal exerciſe of the Royal "Authority, under ſuch regulations as the preſent circumſtances "may ſeem to require; and that the Committee be directed to "inform his Royal Highneſs, that the Commons expreſs their "hopes that his Royal Highneſs will accept the ſaid Charge, as "ſoon as an Act of Parliament can be paſſed for carrying into "effect the ſaid purpoſe."

Sir *Grey Cooper* ſaid, that the Right Hon. Gentleman had moved the Addreſs as a mere matter of courſe, but he conceived it to be a matter of great importance and extent. He did not wonder that his Hon. Friend (Mr. Grey), when the propoſition was firſt ſtated the preceding day, had expreſſed his ſurprize and reſentment on the manner in which the Houſe had been treated by ſo ſudden an alteration of the plan of proceeding. There certainly was ſomething very unexpected and myſterious in the meaſures of the preceding day. It had been announced, that the Right Hon. Gentleman was to proceed to make another Motion in the Committee on the State of the Nation. The Members who attended their duty were under this impreſſion till the Speaker took the Chair the preceding day. They were all told, even at the door, that the buſineſs was to begin in the Houſe of Lords. Thoſe who went to the Houſe of Lords informed them, that a ſudden ſtop had been made in the proceeding by a great authority in that Houſe. To what was all this confuſion and delay to be imputed? The Right Hon. Gentleman had declared in his opening the ſecond and third Reſolutions, *that the two Houſes of Parliament, in this great emergency*, fully repreſented all the ranks of the people, and that they were *the legal organs* through which the voice of the people could Sir Grey Cooper.

only be heard, when there was a defect in the exercise of the Royal Authority. Perhaps by some accident one of those organs might be somewhat out of tune. Some whispers of dissonance had come down there through the long gallery; some low notes of discord, or at least of harmony, not understood; and therefore till that other instrument was put again into order, and the great masters had settled what parts they were to perform, they were to be amused with this interlude. Be that as it might, he had serious objections to the Address. In the first place, it was unnecessary as a preliminary measure to the bringing in an Act of Parliament, the coming of which was announced with a most alarming solemnity. Secondly, if it was necessary, it was improper, both in point of time as well as in point of matter. The Right Hon. Gentleman knew it was not necessary as a preliminary step to the Bill to send the Resolutions to the Prince for his acceptance. There were certain papers to which he alluded, the communication of which to the House had some time since been requested by two worthy Members, whose request, though not perhaps conveyed in a regular Parliamentary Motion, was made with great attention and respect to the Right Hon. Gentleman, and it was in his power, if it had been in his will, to have complied with it, by asking the permission of his Royal Highness to lay his answer to the Right Hon. Gentleman's letter on the table of the House. But though that communication was, for certain causes, refused, that paper, namely, *the Answer of the Prince, was in the possession and in the admiration of the public.* Whatever other purpose the correspondence between the Minister and his Royal Highness might have answered, it had certainly served to illustrate and to bring before the eyes of the nation the character, the talents, and the virtues of the Prince. It had proved that he knew, that he loved and revered the Constitution of his Country; that he hoped and expected to be intrusted during the deplorable incapacity of the Royal Authority, with all the powers which the Constitution had allotted to the exercise of the regal office, because he conceived that those powers were (as had been well expressed by a respectable Member, Mr. Powys, in a former debate) *an integral part of the rights of the people:* He felt and expressed very natural sensations of surprize and regret for the distrust and suspicion which withheld those powers from him; but he

he thought it the duty of the Heir Apparent of the Houſe of Brunſwick to accept the high truſt, under whatever reſtrictions it was offered to him, and to pay a dignified deference and ſubmiſſion to the reſult of the deliberation and wiſdom of Parliament. This proved that the Addreſs was unneceſſary in point of fact; he inſiſted that it was improper and irregular in point of time and in point of matter. In point of time, becauſe the Bill itſelf (which they were informed was to be paſſed in a future Parliament) ought to be laid before the Prince for his approbation and conſent. Conſent, in the caſes of Private Bills, was by cuſtom always taken in the Committee. The ſecond objection was in point of matter; for he was perſuaded, from the artful manner of wording the Addreſs, that it was not only intended as an inſidious and concealed contrivance of pledging the conſent of the Prince, but of precluding, by a ſide wind, the deliberation of the Houſe on the Reſolutions which were to conſtitute the baſis of the Bill. In Addreſſes from that Houſe, in anſwer to Speeches from the Throne, nothing was more anxiouſly watched than any words, that whilſt they pretended merely to convey an affectionate and dutiful anſwer to the Crown, engaged the Houſe to adopt the meaſures recommended by the Miniſters: ſuch attempts were always reprobated by Parliament. Sir Grey ſaid, he would trouble the Houſe no further. He had, as he conceived, proved that the Addreſs was unneceſſary as a preliminary to bringing in the Bill; that it was improper and irregular in every reſpect.

Lord *Belgrave* did not riſe to enter into any diſcuſſion of the topics ſtarted by the Hon. Baronet, but to differ from him in the point, the immediate ſubject of the Queſtion. His Lordſhip ſaid, he thought it neceſſary to know authentically, whether his Royal Highneſs would or would not accept of the Regency under the Reſolutions agreed to; if he would, it would be neceſſary to proceed with all poſſible diſpatch to inveſt him with the neceſſary powers; if he would not, the Houſe muſt adopt a different proceeding. His Lordſhip ſaw no reaſon why they ſhould proceed in an irregular and unparliamentary manner, when they had it in their power to proceed in a regular and parliamentary manner. He conſidered what the Hon. Baronet had ſaid relative to the Letter from the Prince to his Right Hon. Friend, to be wholly inapplicable to the

Lord Belgrave.

Queſtion, for he could not conceive how it was poſſible that Gentlemen ſhould act upon any thing that had paſſed out of doors; they were to act upon what preſented itſelf within doors. He conſidered that it would neither be acting with honour or reſpect due to the Prince, or conſiſtently with the dignity and character of that Houſe; in fact, it would be a breach of decorum, if they did not lay before his Royal Highneſs the Reſolutions they had agreed to, that they might be acquainted whether the Prince would accept the Regency under them; for thoſe reaſons he thought it was highly neceſſary that his Right Hon. Friend's Motion ſhould be adopted.

Sir J. Swinburne. Sir *J. Swinburne* aſked, whether the indecorum the noble Lord had talked of, did not already exiſt? In his opinion a great indecency had been offered to his Royal Highneſs, by the plan not having been laid at the firſt before him. He thought his Royal Highneſs ſhewed a great regard to the Conſtitution, in accepting the office of Regent, in the preſent crippled ſtate in which it was offered to him. It ought, in his mind, to have been offered free from any limitation or reſtraint whatever. If the Right Hon. Gentleman by the preſent Addreſs did not mean to pledge himſelf to the Houſe, that no alterations ſhould be made in the Bill that was intended to be brought in, he conceived it would be infinitely more proper to addreſs his Royal Highneſs when the Bill was concluded, and was therefore againſt the Addreſs.

Mr. Dudley Ryder. Mr. *D. Ryder*, in anſwer to the Hon. Baronet's charge of early indecorum, aſked how it was poſſible that the Reſolutions could have been laid before his Royal Highneſs, previous to their having been agreed to by the two Houſes? The Honourable Baronet had declared it, as his opinion, that the Prince ought to have been acquainted at firſt with the Reſolutions, at a time they were not agreed to; but when they were agreed to, he objected to their being laid before the Prince. By the Houſe agreeing with the Addreſs, he could not conſider that they were pledging themſelves to ſay any thing further, than, as men of honour and conſcience, to agree to that in a Bill, which they had before agreed to in the form of Reſolutions. If they altered the Bill, and impoſed farther Reſtrictions, the Prince's contract and obligation to abide by the Reſtrictions, would of courſe be void.

Sir

Sir *Charles Gould* ſaid, the firſt Reſolution had paſſed under circumſtances that no longer exiſted. They had then a Speaker; at preſent they had only a Speaker elect, the Right Honourable Gentleman in the Chair not yet having received the approbation of the Crown; to proceed without it was to infringe on a part of the Royal Authority. He ſaid, he had been miſrepreſented, and charged with holding one doctrine within that Houſe, and another without doors. He had been and ſtill was of the opinion he had ever entertained of the Prince's having no right to aſſume the Regency; but at the ſame time he oppoſed any declaration againſt their right, conceiving that ſuch declaration would impreſs the minds of the people at large, and poſterity, with a belief that ſuch right had been aſſerted by his Royal Highneſs, which had not, as they well knew, been the caſe. No ſuch claim having been made, he conſidered the declaration of it unneceſſary, and all the ſubſequent ſteps that had been taken. On that ground he oppoſed the Motion. Sir Charles Gould.

Col. *Phipps* ſaid, he had been accuſtomed to learn the law of his profeſſion, from the Hon. Baronet who ſpoke laſt. That Hon. Baronet, he was ſorry to find, knew ſo little of any other law! The Colonel urged the exigency of the caſe, in which they were of neceſſity to make a choice of evils. He ſaid the doubt of the Speaker's not being approved of, was a very inconſiderable reaſon for oppoſing the Addreſs, as he conſidered ſo trivial a point ought not to be conſidered when ſo great an object was before the Houſe. With reſpect to the queſtion of right, that had been raiſed on the other ſide of the Houſe, by the Right Hon. Gentleman, declaring the Prince's right to aſſume the reins of Government [here a cry of *no! no!*] The Colonel continued by ſaying, that the Right Hon. Gentleman was not preſent to contradict what he had ſaid on a former day, but he doubted not that ſome of his friends would deny it for him. An Hon. Gentleman had ſaid, that the Prince ought to have been addreſſed before any of this was done, but would not agree to addreſs him at preſent until the whole buſineſs was concluded; in extreme caſes, it was wiſe, the Colonel ſaid, to take the medium, and ſteer between the two oppoſites; he believed that the opinion of the people would be for Colonel Phipps.

purſuing the plain, ſimple, and direct path, diſregarding the violence of party on either ſide.

Alderman Newnham.

Alderman *Newnham* called upon the Right Hon. Gentleman to ſtate the whole of the Reſolutions he meant to offer to the Houſe in the Addreſs, that his Royal Highneſs might be fully apprized of every meaſure intended to be taken, as it was neceſſary, previous to his pledging himſelf to accept the Regency, that the whole Reſolutions relative to it ſhould be known. They ought not, the Alderman ſaid, to proceed by piece-meal, and make the Prince acceſſary to a Bill injurious to himſelf in points, on which he had as yet received no previous information.

Mr. Grey.

Mr. *Grey* roſe, not, he ſaid, to queſtion the legality of the Speaker's having been called to the Chair. Mr. Grey, in anſwer to Colonel Phipps, ſaid, that neither his Right Hon. Friend, who was not preſent to ſpeak for himſelf, nor any of his friends, had ever maintained the Right of the Prince to aſſume the Executive Authority without the approbation of Parliament. He agreed with the Hon. Gentleman, that the preſent mode was the plaineſt, the moſt ſimple and direct of all modes that could be adopted, if intricacy and inconſiſtency were marks of plainneſs, if embarraſſment meant ſimplicity, and indeciſion and weakneſs meant directneſs. The motion of the Right Hon. Gentleman he conſidered as a confirmation of his want of ſyſtem, and of his wiſh for delay. The Right Hon. Gentleman had, however, aſſerted, that it was out of reſpect and attention to his Royal Highneſs that the preſent Addreſs was propoſed; he certainly was not one of thoſe who wiſhed to oppoſe any mark of reſpect and attention to the Prince; he ſincerely wiſhed that the Prince had been treated with no want of reſpect and attention in other ſtages of the buſineſs; his Royal Highneſs was entitled, by his conduct, not only to the moſt marked reſpect, but to the love of his people. He conſidered the anſwer of the Prince to the Reſolutions by no means neceſſary for the Houſe to proceed upon. He wiſhed to aſk whether the Prince's agreeing to the Reſolutions would be conſidered as a pledge to agree to any future Reſolutions that might be added to the Bill when brought in? or whether it was meant to preclude the Houſe from any future deliberation? if it was not to anſwer either

either of these purposes, in his opinion it was wholly unnecessary. Most of them knew what his Royal Highness's feelings were. The Right Honourable Gentleman's attempts clearly went to make a Republican Government out of a limited Monarchy. Let the House be aware of the danger of such a change in the Constitution. After arguing against the propriety of the Address in every view, he said it appeared to him to be brought forward for no other purpose than that of the delay of near a week, since they could not sit on Friday, and his Royal Highness's answer could not be received before Saturday. He asserted that the boasted popularity of the Minister was not so great as had been represented; possibly the Right Hon. Gentleman alluded to the Addresses endeavoured to be obtained for him in different parts of the Country. He had heard scarcely of any place, where there had not been great difference of opinion; in no other county than Devonshire, where there was some appearance of unanimity in the Address, had there been any thing like unanimity, but on the contrary so much division and confusion, that it was at least doubtful whether the Addresses that had been moved, had been carried or not by the majority present. He declared, he knew nothing of those Addresses but what he saw of them in newspapers and other publications. He held Addresses at all times to be improper, as tending to bias the votes of Gentlemen, contrary to their judgments. He was happy in the conduct of his Constituents (Northumberland) from whom an attempt had been made to procure an Address. Such an Address had, however, not been procured; and his Constituents had added obligations to their Representatives, and ensured their future zeal and service, by leaving them to the free, unbiassed exercise of their own judgments.

Mr. *Brandling* said, in the opulent and populous town which he represented, (Newcastle) they had held an assembly of six hundred of the principal inhabitants, who without a dissenting voice, voted an Address to the Right Hon. the Chancellor of the Exchequer, which Address was signed by upwards of nine hundred respectable persons. He was exceedingly happy to have that fact, which met with his warmest approbation, to state to the House, in contradiction to the Hon. Gentleman's assertion of no Address, Mr. Brandling.

excepting that from Devonſhire, having voted with unanimity. With reſpect to the oppoſition the Addreſs had met with in the county of which the Hon. Gentleman was repreſentative, he begged to ſay that he knew, from the beſt authority, that it was in conſequence of the High Sheriff's reprehenſible, puſillanimous, and contemptible conduct,—[A cry of *Order! Order!*] . He ſaid, he begged to be heard, and he would explain what he meant——

Mr. Francis

Mr. *Francis* ſpoke to *Order!* He ſaid he knew nothing of the High Sheriff of Northumberland, but he conſidered it to be highly diſorderly to brand with ſuch unbecoming language, the name and character of any gentleman in any county; it was language, he ſaid, unfit to be ſuffered in any ſociety of gentlemen.

A general cry of *Order! Order!* was again called from all ſides of the Houſe, when

Mr. Bouverie.

Mr. *Bouverie* roſe to ſpeak to Order! and declared, he conſidered the preſent converſation as exceedingly improper, being totally irrelevant to the ſubject before the Houſe.

Lord Belgrave.

Lord *Belgrave* alſo ſpoke to Order, and deſired the Motion before the Houſe might be read.

Mr. Brandling.

Mr. *Brandling* again roſe, and ſaid he ſeldom troubled the Houſe. It always diſtreſſed him to be interrupted, but ſtill more to be interrupted in ſuch a manner as he had been. He declared he meant no perſonal reflection on the High Sheriff of Northumberland, and was poceeding to ſtate the hiſtory of the tranſaction to which he alluded, when he was again loudly called to Order!

Mr. Bouverie.

Mr. *Bouverie* ſpoke to Order! and begged of the Speaker to prevent ſuch diſorder being repeated.

Mr. Grenville.

The SPEAKER expreſſed his concern on the diſorderly turn of the debate; and declared he would ſtate why he had not interrupted the Hon. Gentleman. He ſaid, he felt no part of his duty more irkſome than the extreme difficulty of interrupting Gentlemen when they went from the Queſtion, and had refrained at preſent on the ground of the Houſe having ſuffered one Gentleman to ſpeak on the ſubject.

Mr. Brandling.

Mr. *Brandling* again ſpoke, declaring he alluded to the High Sheriff's public conduct only, and nothing elſe. He ſaid the Northnmberland Meeting had been rendered tumultuous, and the Addreſs prevented, by the riotous behaviour of about thirty perſons,

ſons, who had aſſembled round the Chair when a worthy Magiſtrate, who had been for many years Chairman of the Quarter Seſſions, was forced from the Chair, ſo that he was ſcarcely able to ſave the parchment the Addreſs had been written on.

Mr. *Grey* remarked upon the words puſillanimous and contemptible, which had been read by the Hon. Gentleman, and declared, if he was inclined, however, to uſe ſuch language, he would not have taken the advantage of ſtating it in the abſence of the perſon on whom it was ſpoken, and when he could not defend himſelf. Mr. Grey.

Mr. *Brandling* replied, that his conduct and character were equally reſpectable with thoſe of either the Hon. Gentleman, or any of his friends. Mr. Brandling.

Sir *Joſeph Mawbey* juſtified himſelf from Mr. Grey's attack, ſpoke of the approbation of his Conſtituents, of the meaſures of the hour, and declared, that his intereſt in the County of Surry would not be eaſily ſhaken. Sir Joſeph Mawbey.

Mr. *Bouverie* again ſpoke to Order, and ſaid ſo diſorderly a converſation ought immediately to be ſtopped. Mr. Bouverie.

Mr. *Martin* conceived, it would have been more candid, for the Hon. Gentleman (Mr. Bouverie) to have propoſed to ſtop the diſorderly converſation at firſt, when it began, than at the preſent moment. Mr. Martin.

Sir *Joſeph Mawbey* again ſpoke, and after alluding to his popularity in the county he repreſented, declared the Freeholders who had aſſembled at the Election of the noble Lord, lately choſen his colleague, had drank his health in a manner highly flattering to him. Sir Joſeph agreed with the Motion, conceiving it neceſſary, that the Houſe ſhould be authentically informed, whether his Royal Highneſs would accept the Regency under the Reſtrictions agreed upon or not. Sir. Joſeph Mawbey.

Lord *William Ruſſel* felt himſelf particularly called upon in conſequence of what had fallen from the Hon. Baronet relative to the inhabitants of the County of Surry being devoted to the Miniſters of the hour. He was perſuaded that the Freeholders of Surry were well acquainted with the principles of the family, to which he had the honour to belong, and he did not think there had been any thing in his conduct, that could make it doubted that Lord W. Ruſſel.

that he would ſupport the Conſtitution on the principles of his anceſtors; he conſidered it as a reflection on the Country of Surry to ſay, that they ſupported the preſent Adminiſtration, and he believed that they would ſoon ſhew that they would not be attached to that man, who was no doubt attached to the Miniſter of the hour. His Lordſhip concluded with objecting to the Motion, which he conceived tended to nothing but delay.

Sir Joſeph Mawbey.

Sir *Joſeph Mawbey* replied, and ſaid he had alluded to the meaſures, not the Miniſters of the hour. He had never ſaid the Freeholders of Surry were devoted to the Miniſter. He had ſat for thirty years in that Houſe endeavouring faithfully to diſcharge his duty to his conſtituents. He had always voted as an impartial and diſintereſted man, and had no doubt of the approbation of his conſtituents, and the continuance of their partiality.

Mr. Chriſtian.

Mr. *Chriſtian* called the attention of the Houſe to the Motion before them, and ſaid it was their duty to extinguiſh all party conſiderations.

Mr. Fitzherbert.

Mr. *Fitzherbert* roſe, and being an inhabitant and a freeholder of Surry, was ſpeaking on the ſubject of the Miniſter's influence in that county, when

Mr. Vyner.

Mr. *Vyner* roſe to order.

The Speaker.

The SPEAKER thought the Debate had gone wide from the Queſtion, and lamented the time it had taken. He urged the neceſſity of confining the Debate to the Queſtion before the Houſe, and hoped to have the aſſiſtance of the Houſe in preventing future diſorder.

Mr. Bouverie.

Mr. *Bouverie* then roſe to ſpeak to the Queſtion. He thought they ought to enter on the ſubject of appointing a Regent as ſoon as poſſible. He was willing to agree with the Addreſs, if no further Reſtrictions were meant to be incorporated in the Bill than the Houſe had agreed to, but if any additional Reſtrictions were intended, he ſhould vote againſt them.

Mr. Sheridan.

Mr. *Sheridan* ſaid, he was not going to enter into that part of the Debate that reſpected the Queſtion of Order, nor to go at large into any argument to prove that there was an evident want of ſyſtem, though in that part he muſt agree with his Hon. Friend near him, and likewiſe in his aſſertion, that the meaſure then propoſed, would cauſe delay. There were two things, Mr. Sheridan ſaid, that

that he owned would incline him to agree to the Addreſs; one of theſe was, that it was underſtood that the idea ſo haſtily ſuggeſted on a preceding evening, of limiting the duration of the Regency, was abandoned, and the reducing the form of the Conſtitution to a Republic, by making the election of a ſupreme Governor annual, would no longer be inſiſted on. He declared, when this idea was firſt ſtarted, the Right Hon. Gentleman ſeemed to be ready to embrace it; he could not, therefore, but wonder at the ſort of acquieſcence manifeſted by the Houſe at a Propoſition of ſo monſtrous a nature, pregnant with ſuch extenſive miſchiefs, and tending in the firſt inſtance to change the form of the Conſtitution. Mr. Sheridan reverted to what he had mentioned the day before, viz. that the Reſolutions, upon the face of them, appeared to be final and permanent, ſince they contained nothing that pointed out that they were calculated merely to ſubſiſt for a limited time, and to anſwer an emergency of only a temporary nature, although upon that ſingle ground, urged again and again by the Right Hon. Gentleman himſelf, and other Gentlemen, in debate, had the Houſe been called upon to vote the Reſolutions. He enforced the neceſſity of accompanying the Reſolutions, when laid before his Royal Highneſs, with ſome intimation of this very material circumſtance; and before he ſat down, declared, he would move an Amendment to the Motion, in order to add words to that effect. Another point was, that the ſcheme of ſetting up what had been properly enough termed a phantom and a ſhadow to repreſent the third Eſtate, was to be aboliſhed; if the fact were ſo, he ſhould rejoice exceedingly, becauſe he could not but regard the reſorting to ſuch a mode of obtaining the Royal Aſſent as a fallacy, and a violation of the Rights of the third Eſtate, by an aſſumption of the exerciſe of thoſe Rights in the two Houſes of Parliament, to whom it did not conſtitutionally belong. The Right Hon. Gentleman over againſt him ſaid, the Houſe had already determined on that point, but he begged leave to ſay, that they had not determined it; they had, indeed, talked of it, and looſe hints had been given in the courſe of debate of the nature of the thing intended to be put in practice; but all they had decided was, that it was neceſſary for the two Houſes to *determine on* the means by which the Royal aſſent ſhould be given to a Bill; now there was a wide difference between

between reſolving that it was neceſſary for the two Houſes to determine on the means, and the means themſelves. Another matter, which as yet remained wholly unexplained, was the degree of ſtate and attendance, which the Right Hon. Gentleman had ſaid, he meant to move to be annexed to his Royal Highneſs the Prince of Wales, in the room of that power and patronage, which by the fifth Reſolution he had propoſed to take away from him. As the Right Hon. Gentleman ſeemed to mean to retain that office, and give up every other, he wiſhed, at the ſame time that the Reſtrictions were laid before his Royal Highneſs, the Right Hon. Gentleman would inſert ſomething in the Addreſs to apprize his Royal Highneſs of the intention, that he might know what he was to expect would be contained in the Bill, and that it was to contain ſomething elſe beſides the Reſtrictions. Mr. Sheridan added a few pertinent obſervations, and concluded with moving, by way of Amendment, to add to the motion, "that the Reſtrictions were formed on the ſuppoſition that his Majeſty's illneſs was only temporary, and might be of no long duration." Theſe words, he ſaid, he had taken out of the Right Hon. Gentleman's Letter to the Prince of Wales, that was already before the public, and therefore he did not imagine that any objection could be made to his Amendment by the Right Honourable Gentleman, or any other Member, but that the Amendment would be agreed to as a matter of courſe.

Sir James Erſkine.

Sir *James Erſkine* ſeconded the Amendment, and it was then read from the Chair.

Mr. Pitt.

The *Chancellor of the Exchequer* ſaid, he would firſt notice the Hon. Gentleman's ground for the Amendment that he had moved. It was true, he had argued that the Reſtrictions were ſuch as were fit only to be applied for temporary purpoſes; but though the neceſſity for them was ſuppoſed to be only of a temporary nature, it was impoſſible to fix before-hand the preciſe time, when the neceſſity for their duration would ceaſe. The Hon. Gentleman had ſtated, that he had ſelected the words of his Amendment from a certain publication, but if he would refer to the publication in queſtion, he would find that he had ſelected words from one part of it, which were followed by another, in which the idea was fully explained. He could not, therefore, avoid objecting to the Amendment,

ment, as containing a partial ſelection of words from a publication, in which an explanation of that partial ſelection was to be found. The Hon. Gentleman, it was clear, had not heard the Motion that he had delivered to the Chair with attention, or had forgot the words of it, ſince, if it were examined, it would be found to contain words that expreſsly marked that the Reſtrictions were only temporary. The Chancellor of the Exchequer read the part of the Motion to which he alluded, wherein it was ſtated, that the Reſtrictions in queſtion were ſuch as appeared to them proper to be adopted under the *preſent* circumſtances of the caſe. What could be ſo fair as ſtating the Limitations and Reſtrictions to be framed on the principle of being ſuch, as the occaſion appeared at preſent to require? The Motion, therefore, in his opinion, was ſufficiently expreſſive of all that need to be noticed, and of courſe precluded the neceſſity of the Hon. Gentleman's Amendment. The Chancellor of the Exchequer next took notice of Mr. Sheridan's having expreſſed his hopes, that the idea of limiting the duration of the Regency was abandoned. He reminded the Houſe, that he had objected to any particular time being ſtated for the duration of the Reſtrictions, but an Hon. Gentleman, then behind him [Mr. Pulteney] deſervedly of great weight in that Houſe, had propoſed to limit the duration of the Bill, and upon its being objected to by a Right Hon. Gentleman, not then preſent, who had ſtated, that ſuch a limitation as went to the election of a Regent from time to time, tended to create a Republic, and to alter the form of the Conſtitution, in anſwer it was ſaid, that the period of limitation ſhould extend to the power as well as the Reſtrictions: and he muſt confeſs, that he thought it leſs an evil that limitations ſhould be put on the whole, than on a part of the plan. He had himſelf mentioned no limitation at all, but had thought it beſt left open for the Houſe in future, to judge of the nature and circumſtances of the caſe, and, therefore, he had begged the Hon. Gentleman not to preſs them at that time, a requiſition with which the Hon. Gentleman had concurred. One of thoſe Champions of the Conſtitution, on the other ſide of the Houſe, had thought no ties ought to be fixed to any part of the Bill. He muſt, however, repeat, that if it ſhould be thought proper that any part were to be

be limited, the power ſhould be limited likewiſe, becauſe otherwiſe they let the power of providing in future, as the nature of the caſe might require, go out of their hands, and the Prince of Wales would be bound only for a limited time, while they would be ſubject not only to the inconvenience, but would loſe the claim of being attended with all the convenience poſſible, becauſe the convenience was their reſerving it in their own power to act upon their diſcretion, as the neceſſity of the caſe might demand. At preſent they did not know but the Bill might be objected to by the Prince, and if ſo, a very different mode of proceeding muſt be adopted; but if the Prince ſhould agree to accept the Regency on the conditions ſtated in the Reſtrictions, what then would be the conſequence. The Bill would proceed after the Parliament ſhould be opened. The Houſe could not be pledged further than their honour and judgment had led them in framing the preſent Reſolutions, and on the other hand, he could not anſwer better than as an Hon. Friend of his behind him had expreſſed himſelf, if the Bill altered the conditions ſtated in the Reſtrictions, or ſuperadded new ones; in that caſe, the Prince could not be conſidered to be bound by his anſwer to the Reſtrictions then under their conſideration, whatever that anſwer might be. But he would aſk, which was moſt probable, after having voted the Reſtrictions, ſhould they abide by them, or depart from them? If the Houſe departed from them, they would loſe the object they aimed at, and all they had hitherto done would be matter of fruitleſs labour, and uſeleſs diſcuſſion. The ſpirit of the Reſolutions contained every thing that appeared to him neceſſary to be decided before they proceeded to the immediate ſtep of opening the Parliament, and moving a Bill, had any thing elſe occurred to him as neceſſary, he certainly ſhould have propoſed it.

The ſpirit of thoſe Reſolutions was, that all the Royal Power ſhould be exerciſed by his Royal Highneſs the Prince of Wales, in the name and on the behalf of his Father, ſubject to the Reſtrictions that were ſpecified. He hoped, therefore, that his Royal Highneſs would not object to the Reſtrictions, and that the Houſe would not find any material inconvenience in preſenting the Motion with the Reſolutions to his Royal Highneſs; but if it ſhould even prove a material inconvenience, he truſted it would be deem-

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ed an inconvenience neceſſary to be incurred, as it would enſure their future proceedings, and reſcue them from the hazard of loſing much time, and giving themſelves much further unneceſſary trouble. He took notice of the charge of want of ſyſtem, and want of method, and of intentional delay on the part of his Majeſty's Miniſters, that had been lightly and wantonly thrown out, but which, he ſaid, had not been ſupported. He reminded them of the ſteps they had taken as the beſt refutation of that charge, and ſaid, that after having aſcertained the fact of the King's incapacity, they had proceeded immediately to the object in view, but their progreſs had been interrupted by the aſſertion of a Right in the Prince of Wales to aſſume the exerciſe of the Sovereign Authority, an aſſertion which neceſſarily and unavoidably called for diſcuſſion and deciſion before they proceeded a ſingle ſtep. The ground cleared of that Queſtion, and the two Houſes having reſolved, that the right of providing the means of ſupplying the defect in the executive Authority was in them, and that it was their duty to exerciſe it, a new delay was occaſioned by a declaration, that it was neceſſary to have a further examination of his Majeſty's Miniſters, accompanied with ſuch ſtatements as made a further examination of the Phyſicians unavoidable; but it was to be remembered, that the delay originated not in his Majeſty's Miniſters, nor on that ſide the Houſe. That examination over, they had debated the Reſtrictions thought neceſſary to be agreed to by the Regent under the preſent circumſtances of his Majeſty's probability of recovery, and were now arrived at the point when it was neceſſary to lay their Reſolutions before his Royal Highneſs the Prince of Wales, in order to know whether his Royal Highneſs would accept the Regency on thoſe terms or not.

Having thus ſtated the outlines of the principal of their proceedings, it might poſſibly be ſaid, that they had been too critical and too minute: in anſwer to that he would aſk, could they be too critical and too minute in queſtions deeply and materially affecting the conſtitution of the country? Among other things which might conſole them for the time they had ſpent, he could aſſure the Houſe, notwithſtanding the myſterious inſinuation of a want of harmony among thoſe who ought, on ſuch an occaſion, to agree, made by an Hon. Baronet in the beginning of the debate, that

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no difference of opinion, however ſome Gentlemen might wiſh it, had prevailed. So far from it, he had great pleaſure in telling the Hon. Baronet and the Houſe, that there not only had been no interruption of harmony among thoſe, whoſe taſk it was to co-operate in the preſent arduous ſituation of affairs, but the more they had thought of the plan of proceedings, that they had felt it to be their duty to propoſe, the more they were confirmed in their original opinion of it, and were the more determined uniformly to concur in completing it to the utmoſt, as an act of indiſpenſible duty to their Sovereign and their country. With regard to the charge of delay, likely to be occaſioned by the preſent Motion, in point of fact he did not think it probable to be ſo great as the Hon. Gentleman had ſuggeſted; but if the meaſure was, as he thought and ſtated it to be, a neceſſary meaſure, though he had all along been, as the Houſe well knew, an advocate for diſpatch, he ſhould be of opinion, that, in ſo very important a point, doing the buſineſs well, was preferable to doing it ſpeedily. The difference with regard to opening Parliament, however, could not be a week. If that Houſe voted the two Motions for the four firſt Reſolutions to be carried up to the Prince, and the fifth Reſolution to the Queen, that night, they would the next day carry them to the Lords, who would diſcuſs the propriety of voting them, and probably might vote them the ſame day; in that caſe it was not impoſſible that they might receive his Royal Highneſs's anſwer on Thurſday. And the execution of what had been called on the other ſide of the Houſe a phantom, (but which he truſted, when explained, would be found not to be an imaginary, incorporeal being, but of the ſolid and material ſubſtance of the Conſtitution) might either in that Houſe or the other be entered upon the ſame day; if in that Houſe firſt, the Houſe of Lords might ſit on Saturday, and the Bill be brought in and entered upon early next week, perhaps on Monday, and the whole ſyſtem, as far as regarded that Houſe, completed in the courſe of that week. An Hon. Gentleman, he obſerved, had ſaid, that he was no enemy to any mark of reſpect and attention being ſhewn to the Prince of Wales, but that throughout the meaſure there had been a manifeſt want of attention and reſpect to his Royal Highneſs. The Chancellor of the Exchequer declared, he had never thought it neceſſary to take notice

tice of the numerous anonymous libels that had ſo induſtriouſly been put in circulation throughout the town and throughout the country. To ſuch libels, avowed by no perſon, it was impoſſible to give an anſwer; but if any man thought there had been real ground for a complaint of want of reſpect and attention towards the Prince of Wales, in any part of his conduct, he called upon that man, in truth and in fairneſs, to ſtate the inſtance, and he would cheerfully meet the charge. He conſidered reſpect to his Royal Highneſs the Prince of Wales as one part of his duty to his Sovereign; it was inſeparable from it. But though he ſhould be extremely ſorry to be deficient in that exterior and ceremonious reſpect that was juſtly due to the Prince of Wales, yet what he owed to his Sovereign, to the Conſtitution, and to the People of England, was paramount to any perſonal reſpect due any where. Though it was paramount, however, to all degree of perſonal reſpect, it was not inconſiſtent with ſuch a compliance with decorum; he ever had, and he ever would pay the ſame reſpect to his Royal Highneſs the Prince of Wales as to all the reſt of the Royal Family, and to the Sovereign himſelf. The trueſt reſpect he could pay to all of them, was to cultivate the intereſts of that nation which the anceſtors of the preſent Royal Family were called upon to govern, and to watch over the ſafety of that Conſtitution which his Royal Highneſs the Prince of Wales would one day be called upon to protect.

Mr. *Grey* roſe as ſoon as the Chancellor of the Exchequer ſat down, and ſaid, he felt himſelf rather aukwardly ſituated, and the more ſo, as he could not bring forward any charge of the nature in queſtion without appearing to ſpeak from ſome authority; but as he had undoubtedly accuſed the Right Hon. Gentleman of having treated his Royal Highneſs the Prince of Wales with want of reſpect and attention, he would proceed ſpecifically and diſtinctly to make out what appeared to him to be ſufficient grounds for that charge, being determined never to flinch from what he ſhould at any time ſay in that Houſe. Whether what he ſhould offer might appear in the ſame point of view to the Houſe, was not for him to determine; he only begged them beforehand to underſtand, that he ſpoke his own ſentiments, without conſultation with any one, and without the privity and concurrence of any individual whatever. The Right Hon. Gentleman appeared to him to have ſhewn Mr. Grey.

a manifeſt want of reſpect and attention to the Prince of Wales, in the firſt place, in the manner in which, when the Privy Council was ſummoned to examine his Majeſty's Phyſicians, the intimation of its being convened, and the object of it, was communicated to his Royal Highneſs, that being done by the ſame ſort of ordinary ſummons as was ſent to the other Members of the Council. This was, Mr. Grey ſaid, either in the Right Hon. Gentleman, or the Lord Preſident of the Council, a marked token of want of reſpect and attention to the Prince of Wales. The next want of reſpect and attention to his Royal Highneſs was, the Right Hon. Gentleman's not having ſubmitted the whole of his intended plan to his Royal Highneſs, before any of the proceedings of Parliament took place, and, indeed, previous to its public ſtatement in that Houſe, to which he conceived an Hon. Baronet, who had ſpoken early in the debate, had alluded, when he had ſaid they had been guilty of an indecorum, in not ſtating the Reſolutions to his Royal Highneſs earlier. Another inſtance he ſhould mention was chiefly grounded on public report, and that was the manner in which, when the propoſed Reſtrictions were communicated to the Prince of Wales, that communication had been made. In that, as in the preceding inſtance, Mr. Grey ſaid, he conceived there was a conſiderable portion of a reprehenſible want of reſpect and attention to his Royal Highneſs. With regard to the charge of a want of ſyſtem in the whole of the Right Hon. Gentleman's proceedings upon the ſubject of the Regency, which the Right Hon. Gentleman had thought proper to ſay had been wantonly and lightly urged, and had not been ſupported, as the Right Hon. Gentleman had now heard from him upon what the charge of having ſhewed a want of reſpect and attention to his Royal Highneſs the Prince of Wales was founded, ſo ſhould he have the pleaſure of hearing him reſtate the charge of want of ſyſtem in his meaſures. The Right Honourable Gentleman ſeemed to conſider his plan of proceedings as perfectly regular, as if one part of it ſprung out of another, and the whole was a ſyſtem of harmony and order, which they muſt all admire for its ſymmetry and beauty. In order to prove this, the Right Hon. Gentleman had gone into a recapitulation of their proceedings, from the moment of their having aſcertained the fact of his Majeſty's Incapacity. The Right Hon. Gentleman, however, had paſſed over one

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of theſe proceedings, and that an early one, of which he muſt beg leave to remind him, and that was his ſecond Motion—that for a Committee to ſearch for precedents—which he had introduced with an argument, that it was neceſſary for that Houſe to have the advantage of the collective wiſdom of their anceſtors to guide and govern their conduct by, and yet when that curious publication, then upon their table, was referred to, it would be found that it was rather uſeful to teach them the errors of their anceſtors, than to exhibit proofs of their wiſdom, ſince the meaſures which the Right Hon. Gentleman had taken were not grounded upon any one of the Precedents contained in the Report, nor did they bear the ſmalleſt analogy to any one of thoſe Precedents. It was evident, therefore, that the Right Hon. Gentleman had not gone upon any one ſyſtem or method; he had had no plan arranged by a combination of all its parts, conſtituting a regular and complete ſyſtem, but had led them on ſtep by ſtep, coming forward with ſeparate and diſcordant propoſitions, juſt as the exigency of the day ſuggeſted.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, he ſhould not notice the latter part of the Hon. Gentleman's ſpeech, becauſe all candid and impartial men might judge whether he had or had not proceeded on one regular and uniform ſyſtem, and he was perfectly content to leave the whole to that deciſion. He would only notice the charges of diſreſpect and want of attention manifeſted by him towards his Royal Highneſs the Prince of Wales; and ſo far was he from complaining of the Hon. Gentleman for having made the charges, that he acknowledged he felt himſelf highly obliged to the Hon. Gentleman for having ſtated them ſo fairly and explicitly, as it afforded him an opportunity, which he could not otherwiſe have had, of meeting them in the face of that Houſe and of the public, which was the only way in which he could have noticed them, conſiſtently with what was due to himſelf and to the country. The firſt charge of diſreſpect was a failure of reſpect in the manner of ſending notice of the meeting of the Privy Council to the Prince of Wales; a charge which he might eaſily have got rid of, by ſaying, that if it was proved an error, it was not his error, but that of the Lord Preſident of the Council. He diſdained, however, to avoid taking his ſhare of the blame that might be thought imputable to any meaſure of that venerable and reſpectable perſonage,

with whom it was the pride and happineſs of his life to act, and if he had wiſhed at any time to avoid ſuch a participation of blame, he was convinced, from the degree of cordiality and confidence in which the noble and learned Lord and he lived, it would, in point of fact, be utterly impoſſible for him to have an opportunity of being placed in ſuch a predicament.

The firſt part of the Charge was, that his Majeſty's Miniſters had not previouſly conſulted the Prince of Wales what ſteps they were to take in the difficulty in which they found themſelves involved in the execution of the truſt confided in them by the King. He owned the truth of this Charge in that point; his Majeſty's Miniſters had not conceived it to be their duty to receive orders from the Prince of Wales, at a time that they were the ſervants of the Crown, and his Royal Highneſs was in no political capacity whatever, nor had any authority to give his Majeſty's Miniſters a ſingle order of any deſcription. They felt that theirs was the reſponſibility for every ſtep that they took, and they knew that theirs ought of conſequence to be the diſcretion. With regard to the method of ſending the ſummons, and the charge that his Royal Highneſs had received no other than the ordinary notice ſent round to every other Member of the Council, it was evident the Honourable Gentleman had been groſsly miſinformed in point of fact. So far from the event having paſſed as the Hon. Gentleman had ſtated, his Royal Highneſs received a ſpecial letter, written from the Lord Preſident of the Council, ſtating the ſubject to be ſubmitted to the Privy Council, and the buſineſs to be entered upon; his Royal Highneſs, therefore, had been ſummoned in a manner the moſt reſpectful, and totally different from that in which any other Member of the Privy Council had been ſummoned, excepting only the other Princes of the Blood. The next charge the Chancellor of the Exchequer obſerved, was perſonally againſt himſelf; it was the charge of not having acquainted his Royal Highneſs the Prince of Wales with the whole of his Plan, previous to his opening it in that Houſe. To the truth of the fact alledged, he muſt alſo in this point ſubmit; but he begged Gentlemen to recollect what had paſſed, and he believed it would be admitted, that the circumſtances conſidered, it was a little hard, it ſhould be made a matter of charge againſt him of want of reſpect

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and attention to the Prince of Wales. He had reſolved, as ſoon as ever a plan ſhould be adjuſted, to communicate it to his Royal Highneſs the Prince of Wales, previous to his ſtating it to the Houſe; but in the courſe of the debate in that Houſe, when the queſtion of Right was preliminarily under diſcuſſion, Gentlemen would remember, that he had been called upon particularly by a Right Hon. Gentleman not then in his place, to ſtate the general outlines of his plan, the Right Honourable Gentleman declaring expreſsly, that it was equally a matter of information deſirable to him and his friends, to know in what manner he meant to proceed. In the moment that he was publicly called upon, it was impoſſible for him to ſuppreſs the outlines of the plan, without offence to the Houſe; he was under the neceſſity of giving them, and they were communicated to the Prince, according to his commands, the next day after the debate. He had not, he ſaid, mentioned the particulars of the plan till after the queſtion of Right was diſcuſſed, becauſe as that queſtion involved in it conſiderations, the deciſion upon which might ſupercede the neceſſity and propriety of that Houſe deliberating at all upon any farther ſtep to be taken, it was neceſſary to be diſcuſſed as a Queſtion preliminary to any other proceeding. With regard to the diſreſpectful manner in which it was reported, that when the communication of the Reſtrictions intended to be propoſed to the two Houſes, was made to his Royal Highneſs, report had gone to ſuch an extravagant length, that he believed it had gained credit about town, and he was ſure it had been circulated in the country, not only that a meſſage had been ſent by a livery ſervant, but that the meſſage had been a verbal one. The truth, however, the public were now apprized, was, that the communication had been made reſpectfully in writing, and the letter had been ſent, not by a livery ſervant, but by a meſſenger, diſpatched for the eſpecial purpoſe. Perhaps, the Chancellor of the Exchequer ſaid, there might be a failure in point of reſpect in this mode of communication. No man, he owned, was more ignorant of etiquette than he was, but he was conſcious of no intention to ſhew diſreſpect to his Royal Highneſs. He had repeatedly made communications to his Royal Highneſs before, in preciſely the ſame mode, without its having ever drawn upon him the ſmalleſt animadverſion for a failure in etiquette, or having

been conſidered as an inſtance of diſreſpect; and during the five years that he had been in adminiſtration, he had never communicated any of the numerous papers, diſpatches, &c. that he had, from time to time, had occaſion to tranſmit to his Majeſty in any other manner, and he was ſure he had not intended to have ſhewn a diſreſpect to the Prince of Wales, in the inſtance alluded to, more than he had ever intended to ſhew a diſreſpect to his Majeſty, during the period that he had been honoured with his Royal confidence. The Chancellor of the Exchequer concluded with ſaying, that he truſted the explanation he had given of his conduct in thoſe particulars, in which a want of reſpect and attention to the Prince of Wales had been imputed to him, would prove ſatisfactory to the Houſe; and he was perſuaded, that no Gentlemen would be more happy than thoſe, who had conceived there had been ſome reaſonable plea for the charge. He truſted, therefore, they would in future conſider the grounds of rumours, before they haſtily gave them credit, begging Gentlemen to reflect a little on the candour of all other public rumours, and to judge of them by the little degree of truth he had proved to exiſt in the rumours that had been circulated ſo injuriouſly to his character, and ſo falſely at his expence.

Mr. Burke. Mr. *Burke* began by attacking the Chancellor of the Exchequer on the ground of Mr. Grey's charge. He ſaid, he truſted not to reports, he knew what the Right Hon. Gentleman's behaviour, conduct, and manners were, and he knew him to have ſhewn great want of reſpect and attention to the Prince in the whole courſe of the proceedings reſpecting his Royal Highneſs. The Right Hon. Gentleman had talked of etiquette, and had denied that he had been guilty, and called for the proof. If they had been accuſing the Right Hon. Gentleman of a crime, they muſt have recourſe to the laws; but it was a want of civility and good manners, where both were ſo eminently due that they were charging him with, and that charge was eaſily made out. The Right Hon. Gentleman had ſaid, that to treat the Prince with diſreſpect, was to treat his Majeſty with diſreſpect; the Right Hon. was in that opinion correct, ſince thoſe who injured the Prince of Wales, undoubtedly injured the King. That fact being admitted, what were they then to think of the Right Hon. Gentleman's not having conſulted the

Prince

Prince of Wales on the ſubject of convening the Privy Council, and the meaſures to be taken therein? The Right Hon. Gentleman had ſaid, the King's ſervants were not to take orders from the Prince, but to conſider him as any other Member of the Council. Was every man, he would aſk, to be conſidered as ſhewing the neceſſary degree of reſpect and civility to the Prince of Wales, who becauſe he was not by law bound to take orders from him, therefore choſe to paſs him by without notice? In what a peculiar ſituation did his Royal Highneſs ſtand! A grievous calamity had fallen on his family, and he had been thereby freed from the protection of a father, who if in a ſtate of capacity would have guarded him from the inſolence of his ſervants. There was an evident and a groſs want of attention, and want of humanity, in the Right Hon. Gentleman's conduct. Since, in the caſe of an affliction fallen on a father, who ought to be conſulted as to what was neceſſary to be done ſo ſoon as the eldeſt ſon? Was it not uſual in all caſes of illneſs and diſaſter happening to the head of a family, to have recourſe to the next perſon in it, as the one moſt intereſted in the event of the affliction? Mr. Burke reaſoned in this manner to ſome extent, and ſaid, great incivilities, when premeditated, might paſs into ſomething of a higher nature than want of reſpect, and might be met upon other grounds, but, in conſidering that no more notice was due to the Prince of Wales than to any other Member of the Privy Council, there had been a reprehenſible want of attention. He proceeded next to notice the Right Hon. Gentleman's having ſtated his plan in that Houſe, before he had communicated the plan of his proceedings to the Prince of Wales.

The *Chancellor of the Exchequer* interrupted Mr. Burke, to re- Mr. Pitt.
mind him, that he had explained to the Houſe the manner in which that explanation had been called for, which made it impoſſible for him not to give it.

Mr. *Burke* ſaid, he did not allude to that; he conſidered the Mr. Burke.
Right Hon. Gentleman's explanation on that head as perfectly ſatisfactory, and had, therefore, paſſed it over. What he meant was, the Right Hon. Gentleman's having forced the Houſe to debate the Queſtion of Right, without having previouſly communicated to his Royal Highneſs, that a Right, in which his Royal

Highneſs was ſo much intereſted, was about to be made the ſubject of diſcuſſion. That was, in his mind, a great indecency, and the more ſo, after the humble, ſatisfactory, reſpectful, but at the ſame time dignified manner, in which that diſcuſſion had been deprecated by the Duke of York, and a declaration made, that his Royal Highneſs the Prince of Wales, from a thorough regard to the Conſtitution, whatever right he might have, was willing to accept the Regency on ſuch terms as the two Houſes of Parliament ſhould think proper to give it. He praiſed the fraternal affection manifeſted by the Duke of York, which he ſaid, proved his Royal Highneſs to be a worthy perſon, and afforded well grounded hopes that he would be ready and willing to aſſiſt his brother. With regard to the manner of communicating the intended Reſtrictions to the Prince of Wales, Mr. Burke ſaid, when papers were ſent to his Majeſty, the uſual mode of tranſmiſſion was by a Black Box, which was deemed reſpectful, the Box being conſidered as marking the reſpect; he dwelt on the idea of the Black Box, and ſaid, he would leave the degree of diſreſpect manifeſted in this inſtance to the judgment of the public, who would, doubtleſs, decide it in their uſual manner. No doubt thoſe who approved the Right Hon. Gentleman's conduct would have imitated it, had they been in his ſituation. Having gone through the charges of want of reſpect and attention, as imputed to the Chancellor of the Exchequer, Mr. Burke proceeded to treat on other topics, and to ſpeak more immediately to the Queſtion then before the Houſe, and to argue that it was, as his Hon. Friend had ſtated it to be, nothing more than a direct endeavour to create unneceſſary delay. He ſaid, they had been taught the preceding day to think, that the buſineſs of the Addreſs would have come on in the Houſe of Peers; why it had not done ſo, he could not tell, but he ſaw no reaſon whatever for loſing a week. The Hon. Gentleman had ſaid, they could not receive the anſwer of his Royal Highneſs before Thurſday, and that they could not ſit on Friday? He aſked why not ſit on Friday? Friday was the true day, the only day proper for ſuch buſineſs! The day on which the nation was to commemorate the extinction of monarchy, which had not been effected without the ſpilling of blood, and therefore Friday was, of all days, the moſt fit for taking that ſtep, which was to annihilate the

Conſtitution,

Conſtitution, and to change the form of our Government. Whether the putting off the buſineſs in the Houſe of Lords the preceding day, had been owing to a difference among Miniſters, he knew not, but there was a little bird, a ſmall Robin-red-breaſt, which ſaid, that ſomething like it had happened; and when he talked of a little bird, he borrowed the idea from the Right Hon. Gentleman's father, who had ſaid, a little bird told him, that the Lords of the Bedchamber were, at a certain time, diſpoſed to exerciſe their influence in a manner not quite proper. The ſame bird, Mr. Burke ſaid, had whiſpered him, that there was a reaſon for not proceeding as had been intended, and ſuddenly ſhifting the buſineſs upon their ſhoulders. Perhaps, he obſerved, the other Houſe were not yet recovered from the effect of that extraordinary burſt of the pathetic, that had been exhibited the other evening; they had not dried their eyes, and been reſtored to their former placidity, and were unqualified to attend to new buſineſs. The tears ſhed in that Houſe on the occaſion to which he alluded, were not the tears of patriots for dying laws, but of Lords for dying places. The iron tears that flowed down Pluto's cheek, rather reſembled the diſmal bubbling of the Styx, than the gentle murmuring ſtreams of Aganippe. In fact, they were tears for his Majeſty's bread. Thoſe who had been fed by the King's bounty, were ſuppoſed to have deſerted him in his utmoſt need. There was, he ſaid, a manifeſt difference between that Houſe and the other; between Patricians and Plebeians. They, in an old faſhioned Plebeian way, would have ſaid, "if we can no longer ſerve the King, we will no longer receive his wages; we will no longer eat his bread;" but the Lords of the Houſhold held a different language, and purſued a different conduct; they would ſtick by the King's loaf as long as a ſingle cut of it remained. They would faſten on the hard cruſt, and would gnaw it while two crumbs of it held together; and, what was more extraordinary, they would proudly ſay at the time, that it was the honour of the ſervice that they regarded, and the dignity of their offices; as to the emoluments, they did not value the money *three ſkips of a louſe*. This was gratitude, a degree of gratitude which Courtiers never failed to exhibit! Under that roof they conſidered mankind as ſubject to human frailty, and dreading the effects of that infirmity, to which all human nature

was

was equally ſubject, had tried to guard againſt it, by voting again and again, that Officers of all and every deſcription, ſhould be diſqualified from ſitting in that Houſe. But the Lords of the Houſehold were a different order of beings; they were beyond the reach of influence; they were a ſet of Saints and Philoſophers, ſuperior to the luſts of the fleſh, and the vanities of the world. After purſuing this irony to ſome extent, Mr. Burke took notice of the Right Hon. Gentleman's having called his Hon. Friends the Champions of the Conſtitution, and declared that they ought to be ſuch. That they were placed there for that purpoſe, and they would abuſe their truſt if they took powers which did not belong to them, in order to flatter another with a degree of authority that did not belong to him, or in order to deprive another of a right which did belong to him. The Right Hon. Gentleman was bound to ſhew, why he choſe to prefer a limitation of the Regency in point of time, to a limitation of the Reſtrictions. His Right Hon. Friend, who was abſent, Mr. Burke ſaid, had not declared that he approved of that limitation, but had ſaid, if they meant to make a Republic, he ſhould, in that caſe, approve of a limitation of the Regency, and an annual Election. He ſhould approve of it for the ſame reaſon. If they choſe to make a Republic, why did they not make it in a manly way, and openly declare their intention? If he were aſked, did he hate a Republican ſpeculation? he would anſwer, No. But he knew a Republic could not be ſpeculated upon, according to our Conſtitution. He loved, he revered, he adored the true principles of a Republic, but was that the mode of inſtituting a real Republic? "Oh Republic! exclaimed Mr. Burke, how art thou libelled? how art thou proſtituted, buffooned, and burleſqued? Oh fabrick! built after ſo many ages, and cemented by the blood of Patriots, how art thou degraded?" As well might it be ſaid, that the mutilated creatures of the Opera Houſe were the repreſentatives of Heroes, the true and perfect Cæſars, Catos, and Brutuſſes of Rome, as that ſtrange and jumbled chaos, the repreſentative of a real Republic. Such an attempt to eſtabliſh a Republic as the preſent, was the certain way of having a monſter ſet over them, and introducing the moſt hypocritical ſort of Government that could be reſorted to.

Mr. Burke

Mr. Burke reprobated the idea of the fiction of law, that was to be made uſe of to open the Parliament, and ſaid, he never had heard of a phantom being raiſed in a private family, but for the purpoſe of robbing the houſe. So far from being a repreſentative of the forms of the Conſtitution, it was, he ſaid, a maſquerade, a mummery, a piece of buffoonery, uſed to burleſque the Conſtitution, and to ridicule every form of Government! A phantom conjured up to affright propriety, and drive it from our iſle! An hideous ſpectre, to which, in the language of Macbeth to Banquo's Ghoſt, it might be ſaid,

Avaunt, and quit my ſight! Let the earth hide thee!
Thy bones are marrowleſs, thy blood is cold;
Thou haſt no ſpeculation in thoſe eyes,
Which thou doſt glare with.

And ſo in fact it was with this political Spectre; its bones were marrowleſs, its blood was cold, and it had no ſpeculation in its eyes! He reprobated it, therefore, as a Chimera, a Monſter taken out of the depth of Hell. Mr. Burke ſpoke of the letter of the Chancellor of the Exchequer to the Prince as conveying private intimations, which he would not publicly avow; and ſaid, as to the Right Honourable Gentleman giving his word, he might do that as he liked; but if he did not agree to a ſpecial limitation of the Reſtrictions, his faith was broken; becauſe, if they paſſed the Bill, without any clauſe of limitation, they gave the lock and the key to the door of reviſion and limitation out of their own hands, and delivered both over to the other Houſe. Theſe were dangerous things, and he would ſay that they were illegal, and unfortunately without remedy. The people at large, who were deluded and acted upon that deluſion, could not be puniſhed, becauſe it would be a maſſacre; but what ſhould they ſay of thoſe who miſlead the people, and, under a pretence, of an ardent zeal for the Conſtitution, endeavoured to advance the purpoſes of their own private ambition? Mr. Burke added further remarks, and, in the courſe of his ſpeech, introduced ſeveral apt and pertinent quotations from the ancients. Mr. Burke concluded with ſtating that for the reaſons he had mentioned, he ſhould ſupport the Amendment of his Hon. Friend.

Mr.

Mr. Pulteney. Mr. *Pulteney* roſe to explain the Motion which he did not make on a former day, but only had ſtated looſely to the Houſe. When he had riſen for that purpoſe, it was, Mr. Pulteney ſaid, a very late hour, and Gentlemen probably were ſo fatigued, that they had not paid it that degree of attention, which they otherwiſe would have done; hence, he ſuppoſed, the tendency of the motion was ſo much miſapprehended as he found it had been. Gentlemen talked of his Motion having a tendency towards introducing a Republican form of Government. It had no ſuch tendency, and he ſhould have imagined that his principles were too well known, for any man to have ſuppoſed he was inclined to be a favourer of republican notions. He never had inclined to favour them, on the contrary, he was an advocate for a limited monarchy, and thought as highly of the monarchical principles of our Government as any one man living.

Mr. Sheridan. Mr. *Sheridan* ſaid, he wiſhed to bring the Debate to a concluſion, and ſhould, therefore, propoſe a farther Amendment, that he truſted would remove all the Right Hon. Gentleman's objections. The Houſe might hereafter debate on the Honourable Gentleman's intended Motion of limitation, which he muſt ſtill contend was adverſe to the intereſts of the country, and tending towards a Republican form of Government, conſequently could neither be advantageous to the preſent or future proſpects of the Prince.—

Mr. Pulteney. Mr. *Pulteney* interrupted Mr. Sheridan, for the purpoſe of declaring that what he propoſed was for the benefit of the Prince and of the country, and not more for the advantage of the one than of the other.

Mr. Sheridan. Mr. *Sheridan* ſaid, the Houſe would then perceive the want of ſyſtem. The Honourable Gentleman had on a former night ſuggeſted of a ſudden, an intention to propoſe a limitation of the exiſtence of the Regency, which he had juſt told the Houſe he meant to perſiſt in, and ſhould ſtate more fully hereafter, with that the Right Hon. Gentleman had profeſſed an acquieſcence, and after having ſtated that his mode of proceeding, was a mode that was not to be changed, had, in a manner, agreed to receive the Honourable Gentleman's propoſition, and to change it hereafter. To what end then, vote the propoſed Addreſs to the Prince

Prince of Wales? If they adopted any additional Regulation, or made any alterations, they would neceſſarily have to do the buſineſs they were now about, over again, and to ſend up a ſecond Addreſs to the Prince to learn, whether, in the altered ſtate of the Reſtrictions, his Royal Highneſs was yet willing to accept the Regency. Mr. Sheridan preſſed this argument, and then ſaid, in order to obviate the Right Honourable Gentleman's ſcruples, he ſhould propoſe an alteration to his Amendment, which he did not think the Right Honourable Gentleman could object to. If he had underſtood what the Right Honourable Gentleman had ſaid before upon the ſubject, he had ſignified that his objection to the amendment was, that it was, what the Right Honourable Gentleman had termed, *a partial ſelection* from a paragraph in his letter to the Prince of Wales, and that he had left out certain words of importance. He could not, Mr. Sheridan ſaid, conſider thoſe omitted words in any other light than as words of ſurpluſage; but in order to ſatisfy the Right Honourable Gentleman, and to remove all his doubts, he had now taken thoſe words of the Right Honourable Gentleman's letter, that the Honourable Gentleman had complained were omitted in the motion. The matter would then go clearly and without reſerve to his Royal Highneſs, and they would ſee by his Royal Highneſs's anſwer, what ſteps they ought next to take. The words Mr. Sheridan meant to add to his motion, were theſe, "but if, unfortunately, his Majeſty's "recovery ſhould be protracted to a more diſtant period, than "there is at preſent reaſon to imagine, it will be open hereafter "to the wiſdom of Parliament to re-conſider theſe proviſions." Mr. Sheridan read that part of the Motion on which the Right Hon. Gentleman had relied, as marking, in the Right Hon. Gentleman's mind, that the Reſtrictions were calculated merely for the preſent exigency, and were, conſequently, only of a temporary nature. He aſked if thoſe words conveyed ſo clearly, diſtinctly, and intelligibly, that the Reſtrictions were permanent and not temporary, as the words of his Amenment did? Why then, he ſaid, would the Right Honourable Gentleman uſe dubious words, when he might ſpeak plainly and directly? The Right Hon. Gentleman had before ſaid, his letter was partially quoted. He had now taken the part that was omitted, and added it to the other;

other; he did not, therefore, think the Right Hon. Gentleman would object to it, if he meant to do juſtice to the Public and to the Prince.

Upon the Queſtion put, that the Houſe give leave that the firſt Amendment might be withdrawn, in order to give Mr. Sheridan an opportunity to join the firſt and ſecond Amendment and move both as one Amendment, leave was given, and the Queſtion was then put on the whole of the conjoint Amendment.

The ſtrangers were then deſired to withdraw, after which a debate took place, wherein Lord *North*, Mr. *Powys*, Mr. *Dempſter*, the *Chancellor of the Exchequer*, Mr. *Wyndham*, and Mr. *Burke* took part, and in which much was ſaid on the different parts of the argument, as well regarding the mode of iſſuing a Commiſſion under the Great Seal, as on the other particulars of the ſyſtem of principles that the Houſe had laid down.

Mr. Dempſter. Mr. *Dempſter* ſtated to the Chancellor of the Exchequer, that there were two modes of exerciſing the Royal Authority under a commiſſion, the one by a Prince of the Houſe of Brunſwick, the other by a ſubject. The former he ſhould conceive to be the moſt proper one, but he appealed to the Right Hon. Gentleman, which of the two would be the moſt proper?

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, he could not agree with the Honourable Gentleman, that the mode he had preferred, was the beſt.

After about an hour's debate, Mr. Sheridan's Amendment was negatived without a diviſion, and the main Queſtion carried.

ADDRESS TO THE QUEEN.

Mr. Pitt. The *Chancellor of the Exchequer* next moved his Addreſs to the Queen, in order to know if her Majeſty was willing to accept the care of his Majeſty's Perſon, and the management and controul of the Houſehold, as ſtated in the fifth Reſolution? The Motion was as follows:

"That the Reſolution, which relates to the care of his Ma-
"jeſty's Perſon, and the management of his Majeſty's Houſe-
"hold being in the Queen, ſhould be communicated to her Ma-
"jeſty with an Addreſs, humbly deſiring her Majeſty to take under

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" under her care thoſe important truſts, as ſoon as an Act of Par-
" liament can be paſſed for that purpoſe."

Mr. *Burke* ſpoke on this Motion, and hinted at the neceſſity of moving certain Reſtrictions and Limitations on the powers to be veſted in her Majeſty by this Reſolution. Mr. Burke.

At half after Nine the Houſe voted the ſecond motion, and a Conference was ordered to be deſired with the Lords the next day, in order to deliver the two motions, and deſire their concurrence.

Monday, February 2.

As ſoon as the Managers returned from the Lords, Lord Graham reported the conference, and that he had received from the Lord Privy Seal a Reſolution to which they deſired the concurrence of the Commons; the ſame having been read by the Clerk, the Chancellor of the Exchequer roſe, and appeared at the Bar with the anſwer of his Royal Highneſs the Prince of Wales to the Reſolutions of the two Houſes preſented to his Royal Highneſs on Friday laſt, which the Chancellor of the Exchequer read, and then, upon Motion, was ordered to bring it up, when it was read by Mr. Hatſell, the Clerk.

Lord *Courtoun* alſo reported the Anſwer of her Majeſty to the joint Addreſs of the two Houſes, which was afterwards read at the Table. L. Courtoun

COMMITTEE ON THE STATE OF THE NATION.

Previous to the Houſe reſolving itſelf into a Committee on the State of the Nation, Mr. *Brandling* roſe, and deſired the attention of the Houſe. He ſaid, in a late debate, it probably might be conceived that he had gone too far. He agreed that it was improper to make uſe of any expreſſions tending to call in queſtion the conduct of any man in his abſence. Had the treatment he had, on the day to which he alluded been leſs harſh, he was almoſt ready to ſay leſs revengeful, he was ſure he ſhould have recollected himſelf, and ſet the matter right ere he had ſat down. If he had Mr. Brandling.

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uſed any expreſſions that appeared to be improper in conſideration of that Houſe, he took, that opportunity of declaring that he was ſorry for it. He begged to be underſtood, however, as declaring that he never would retract any expreſſion that he thought applicable to the public conduct of any man who had broken his promiſe, and behaved in a manner unbecoming the neceſſary behaviour of one gentleman to another. Mr. Brandling added a few more words, and concluded, that he ſhould ever be anxious of meriting the good opinion of the Houſe.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, he did not think it would be neceſſary to detain the Committee long in ſtating the reaſons that he entertained, which induced him to come forward, and propoſe the Motion, that had already been voted by the other Houſe of Parliament. He ſaid, that by what had been agreed to in this, and in the other Houſe of Parliament, it was neceſſary and incumbent upon them to purſue the neceſſary means for ſupplying the temporary deficiency of the executive power; they had agreed, that no right to exerciſe the Royal Authority exiſted in any perſon during the preſent calamitous ſuſpenſion of the exerciſe of the Royal Authority, and that no perſon could exerciſe ſuch authority, but by the appointment of the two Houſes. By the law and by the conſtitution it was evident, that no ſuch right exiſted; it was then to be aſked, whether in providing for the deficiency of the third branch of the Legiſlature, they were to act in their own name, or in the name of the King? To him it appeared immaterial, being ſubſtantially the ſame, which ever mode ſhould be adopted. The firſt queſtion then that aroſe was, whether they ſhould proceed with the Royal Aſſent or no? The ſecond queſtion was, in what manner was that aſſent to be procured? He was of opinion that they ſhould proceed with the aſſent of the King, for many reaſons, the principal of which was, that the King was ſtill upon the Throne. Many, he ſaid, had attempted to ridicule the power of obtaining the King's aſſent, and the political capacity of his Majeſty; they would, however, find, that neither were inconſiſtent with the fundamental principle of the law, or contrary to common ſenſe; for if it had ever been agreed to, that natural incapacity in a Sovereign, took from him his political capacity, there would long ſince have been an end to

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hereditary ſucceſſion, which muſt have been frequently interrupted. The political capacity of the King was, in his opinion, clear; the Great Seal was the organ of the will of the King; by that inſtrument the will of the King was proclaimed. Speaking of the effect of the Great Seal, he ſaid, that even were the Lord Chancellor to uſe it with ſo much impropriety as to merit puniſhment, that, notwithſtanding ſuch an abuſe of his power, the inſtrument he affixed it to would be, and muſt be conſidered as law, which nothing could ſhake but an Act of Parliament. If the power of the Great Seal was, when improperly uſed, of ſuch force, would any man ſay that when uſed on the emergency of the moment, for the public ſafety, and under ſanction of the united wiſdom of the two Houſes, that it would either be diſputed in the Courts of Juſtice, or that the officer ſo uſing it would be in the leaſt cenſurable? It was evident, therefore, that there was a mode which might be adopted, which might run in the name of the King, Lords, and Commons. The only queſtion then that could ariſe would be, whether the two Houſes ſhould take upon themſelves, in their own name, the legiſlative act of appointing a Regent, an officer unknown to the law and Conſtitution, or whether they ſhould proceed in the meaſure propoſed, of ratifying their Act by the name of the King? The two Houſes were bound to act up to the neceſſity of the caſe, and to do no more. They would do no more by complying with the requiſition of their Lordſhips; they would adopt a form in their proceedings that could not be diſputed by the Judges. It was fortunate for this country, that it had a Conſtitution ſo formed, that it was nearly impoſſible that any circumſtance could occur that would deſtroy the Government of the country: in caſe of the Throne being vacant, the two Houſes of Parliament had power to act by themſelves, and in their own name; the Throne, when vacant, cauſed the whole power to return to the people, by them again to be delegated by the two remaining branches of the Legiſlature, who were the legal organs through which the ſentiments of the people could be collected. At the Revolution, the Parliament acted up to the true principles of the Conſtitution, they acted on their own authority, in their own name, when the Throne was vacant; the Right which at preſent devolved to the two Houſes of Parliament was a different Right, they were to provide for a ſuſ-

penſion of the executive power while the King was upon the Throne; acting, then, upon the ſame principles which governed our anceſtors at the Revolution, they ought to act without the perſonal attendance of his Majeſty, but not without his name; and were, in his opinion, empowered to direct the uſe of the Great Seal: in ſuch uſe of the Great Seal, there would not be, as had been aſſerted, a fraud, or a fiction; they would be but acting up to the principles of the Conſtitution, and to the emergency of the caſe; and in acting upon any great emergency, it was neceſſary and prudent, as far as poſſible, to abide by the forms of Law and the Conſtitution. The two Houſes had provided for the return of his Majeſty to his Government; they had provided for the dignity of their King during his indiſpoſition; they had agreed to appoint one to exerciſe for him, and in his name, the Royal Authority; but they were to remember, that they were not about to appoint a King, but a perſon to act in behalf and in name of a King. The other ſide of the Houſe had gone upon the ground that there would be no groſſneſs in the Prince continually putting the Great Seal in the King's name to different inſtruments, but there would be groſſneſs and great impropriety in the Parliament doing ſo, and that they ought to proceed without the King's name: no man, he hoped, would argue ſo; no ſuch argument, he was convinced, could be ſupported; it was plainly neceſſary that the Great Seal ought to be applied to give law to the Reſolutions and Opinions of the two Houſes of Parliament. He could ſee but three poſſible ways for the executive power to be reſtored: The firſt was, on an opinion generally condemned, that there exiſted ſome perſon in the country, who could aſſume that power without the authority of Parliament; the ſecond was, that a perſon could take upon himſelf ſuch power by a Reſolution or Addreſs of the Houſe; and the third was, by the mode propoſed of paſſing an Act for the purpoſe; and of thoſe different modes he conceived his arguments would enable every man to judge which ought to be taken. If the Great Seal was admitted, as a Royal Act, where then could be the doubt of the propriety of appointing the perſon holding it to uſe it for the purpoſe of giving the King's ſanction to the meaſure of the two Houſes: thoſe who argued againſt that, muſt either argue in ſupport of a right exiſting in ſome perſon to

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aſſume the royalty, a right deprecated and condemned by the country, or they muſt agree to the country remaining in its preſent ſtate; for no one could aſſume the Royal Authority, and the appointment reſted with the two Houſes, who were alone to direct the uſe of the Great Seal. Many acts, he ſaid, had been quoted againſt the two Houſes exerciſing the power propoſed; thoſe acts were, however, quoted from times when Kings were on the Throne in full health, and were totally inapplicable to the preſent ſituation of the Throne, when occupied by a monarch labouring under a temporary incapacity. The ſame principles, he conceived, which guided our anceſtors at the Revolution, muſt be the guide of their conduct at preſent. Not thinking it neceſſary to trouble the Committee further, until he heard ſome objections to the mode propoſed, he moved, "That the Committee do agree with the Lords in this Reſolution."

Mr. *Dempſter* aſked, whether it would not be neceſſary and proper to move a ſecond Reſolution to which his objections were principally applicable. He thought it would be more convenient, more handſome, more firm, and more juſt. Mr. Dempſter wiſhed the Right Hon. Gentleman would explain himſelf on that point, thinking the whole ought to be ſtated before the Houſe proceeded at all in the buſineſs. Mr. Dempſter.

The *Chancellor of the Exchequer* thanked the Hon. Gentleman for having reminded him of what he had accidentally omitted to explain. His arguments undoubtedly applied to both Commiſſions; the object of the firſt, which he now propoſed, went only to opening the Parliament; the ſecond would be to paſs the Bill of Regency, and in form would be ſimilar to that ſigned by Lord Chancellor Hardwicke, in times of great authority. Mr. Pitt.

Mr. *Dempſter* condemned the mode propoſed, as going a ſtep beyond the neceſſity of the caſe, and, therefore, unneceſſary and unconſtitutional; he conſidered it as an ungenerous and an unmanly attack upon the Prerogatives of the Crown when there was no one to defend them; the mode pointed out by juſtice and the Conſtitution he conceived to be an Addreſs to the Prince to take upon himſelf the exerciſe of the Regal Authority; they ought, therefore, as a neceſſity exiſted to put the Great Seal to a Commiſſion, to appoint by ſuch Commiſſion the Prince of Wales Mr. Dempſter.

Regent, with the full powers of aſſent and diſſent, and all the other Prerogatives of the Crown; if they did not do this, there was, he ſaid, nothing to hinder them from continuing the Seſſion, till God ſhould pleaſe to recover the King, for Commiſſion after Commiſſion might be iſſued, in the King's name. The Prince of Wales, Mr. Dempſter contended, ought to have been choſen alone.

Pepper Arden. The *Maſter of the Rolls* deſired, if any Amendment was intended, they might move, that if his Royal Highneſs was appointed to the exerciſe of the whole Royal Authority, that it would be doing no leſs than dethroning the King.

Mr. Dempſter. Mr. *Dempſter*, in reply, ſaid, he meant no more than to appoint the Prince, with the power of aſſent and diſſent, to open the Parliament, inſtead of its being opened by the Commiſſioners propoſed.

Pepper Arden. The *Maſter of the Rolls* ſaid, ſuch a meaſure would exceed the neceſſity of the caſe, and, therefore, be improper, as it would be at once putting the power out of their own hands, and rendering it poſſible that no Bill would be agreed to, but what might contain powers exceeding the neceſſity of the caſe.

Lord North. Lord *North* ſaid, the idea of the Hon. Gentleman behind him ſeemed to him to be more legal and conſtitutional than that of the Hon. Gentleman over the way. His Lordſhip ſaid, he was not acquainted with law, but he had ſome knowledge of the general principles of the Conſtitution. If the powers of aſſent and diſſent were not given to the Repreſentative of the King, no act that was paſſed could be conſidered as an Act of the three Branches of the Legiſlature, but as an Act of the two Houſes; the mode propoſed he deprecated. He did not, he ſaid, quarrel with the Gentlemen if they gave the form of the Conſtitution for its ſubſtance; as giving the Great Seal, inſtead of the fundamental principles of the Conſtitution. His Lordſhip obſerved, upon the doctrine of no man having a right to aver againſt a record; they would, however, have a right to diſpute this being a record. He ſpoke of the anſwer of the Prince, in terms of warm eulogy, after which anſwer he conſidered, that the Right Hon. Gentleman carried his jealouſy too far, by taking meaſures as if he thought the Prince would break his word. After dwelling for a few minutes on the

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propriety of the Prince's conduct, and on the impropriety of the mode propoſed, he ſaid, the anſwer of the Prince muſt diffuſe general ſatisfaction, and create an agreeable ſurprize through the country, and do away thoſe falſe alarms which had been induſtriouſly circulated of a right having been aſſerted in the Prince to aſſume the Sovereign authority, independent of the two Houſes of Parliament. He was ſure that the country being convinced of that right having never been aſſerted, that all who had ſent up Addreſſes for the refutation of that Right, from the Burgeſſes of Edinburgh and Glaſgow, and from the Weſtern Towns and Counties of England, would be happy and rejoice in ſeeing the Prince's anſwer, which fully refuted the falſe aſſertion of ſuch a Right having ever been made. His Lordſhip concluded with aſking if the three Branches might not in a choice of irregularities, avoid the preſent circuitous mode, and take the direct and obvious path of declaring the Prince of Wales Regent.

Lord *John Townſend* declared, his underſtanding was too dull, and he believed reaſon would remain ſo, to conceive what was meant by the King's political Capacity remaining entire, which was ſo conſtantly aſſerted. He wiſhed to aſk one queſtion, Was there a diſſolution of the Government or not? He ſhould be anſwered there was not, that the courts of law were kept going on, that private property was protected, and all legal buſineſs executed as uſual. If, then, there was no diſſolution of Government, what pretence was there for the people to interfere? They having delegated their authority they had no right to interfere; it followed of courſe that the Government was diſſolved, or that they had no right whatever to interfere. His Lordſhip reprobated the mode propoſed, as forming a maimed and crippled Government, and quoted the Acts of the 33d of Henry the Eighth, and the 1ſt of Philip and Mary, to prove the illegality of any commiſſion without the King's ſignature. The plan formerly propoſed, his Lordſhip ſaid, by that ſide of the Houſe, of addreſſing the Prince of Wales to take upon himſelf the exerciſe of Sovereign Authority, would have at once prevented all fraud, all fiction, and met the ardent wiſhes of the people. Had this been done, there would have been a perſon to have given his aſſent or diſſent,

Lord John Townſend;

and to have affixed his ſignature to a Commiſſion ſo as to have given it full authority.

Mr. Elliot. Mr. *Elliot* roſe to ſay a few words, in anſwer to the noble Lord's arguments. He ſaid, if Gentlemen adverted to the Bills of Regency that had laſt paſſed, they would have found, that in thoſe Bills the powers of the Crown were not all veſted in the Repreſentatives of the Crown. That by thoſe Bills, not only the Repreſentatives of the Crown were reſtrained from generally exerciſing the Prerogatives of the Crown, but that the Legiſlature itſelf was in a ſimilar degree reſtrained from exerciſing its own undoubted rights and privileges. Mr. Elliot explained himſelf to allude to three ſpecific Bills, which the Regency Bills in queſtion reſtrained the Repreſentatives of the Crown in particular, and the Legiſlature in general, from either aſſenting to on the one hand, or diſcuſſing and debating on the other. Mr. Elliot ſpoke of the undoubted right of the Prerogative of the Crown to give its diſſent to all Bills paſſed by the two Houſes, and argued from that admitted fact, that the ſuſpenſion of that Conſtitutional Power muſt be attributed to the neceſſity of the caſe, which had then, as it did now, ſuperceded every other conſideration.

Sir A. Macdonald. The *Attorney General* began with paying a compliment to Mr. Elliot, declaring that the Hon. Gentleman who ſpoke laſt, had with extreme good ſenſe, and a degree of diffidence that always accompanied extraordinary good ſenſe, given in a few words, what he conſidered to be an unanſwerable argument. The noble Lord who ſpoke laſt but one, the Attorney General declared, while he affected perfect ignorance of what was meant by the political capacity of the Crown remaining entire, had given the very beſt definition of that political capacity that any man had as yet attempted. The noble Lord had ſaid, the Courts of Law went on, private property was protected, and juſtice adminiſtered regularly. That was the preciſe diſtinction between the preſent caſe and the caſe at the Revolution. At that time all the functions of Government were ſtopped. There was not a magiſtrate, from the Lord Chief Juſtice down to the meaneſt Conſtable, who had any authority whatſoever; the whole machine of Government was impeded, checked, and obliged to ſtop. At preſent the caſe,

caſe, he thanked God, was far different; all the functions of conſtitutional capacity, excepting only the few inſtances in which the perſonal exerciſe of the Royal Authority was neceſſary, were in action the ſame as before. The noble Lord had aſked if there was not a diſſolution of the Government, what occaſion there was for an interference of the people? If the noble Lord would take the trouble of adverting to the real ſtate of the country, he would find that there was occaſion to reſort to the repreſentatives of the people the true ſource of power, in order to provide for the preſent emergency, and that, in all caſes of difficulty, that doctrine had been uniformly laid down, and its beneficial effects ſtated. Having replied to the material part of Lord John Townſhend's ſpeech, the Attorney General obſerved, that the Honourable Gentleman under the gallery had deſcribed the preſent ſituation of the two Houſes with peculiar force and peculiar propriety. He had ſtated, that the neceſſity of ſupplying the defect in the exerciſe of the Royal Authority devolved on the two Houſes. It undoubtedly did ſo, and it was their duty to proceed regularly, and conſtitutionally to appoint a Regent, delegating into his hands, ſuch of the regal powers as in their apprehenſion ſhould ſeem meet, and neceſſary for the carrying on of a good government. With regard to a Regent, which they were adviſed in the firſt inſtance to chuſe, let thoſe Gentlemen who contended for ſuch an appointment ſhew him where ſuch a creature, as the law ſtood, was to be met with? Where was it to be found but in the body of an Act of Parliament? They who had ſaid, they might ſupply the deficiency by addreſſing the Prince of Wales, could not ſeriouſly mean what they ſaid. Unleſs in the caſes of extinction of all the branches of a Royal Family, or what was the ſame thing, the extinction of the family's claim by forfeiture, as in the caſe of King James, there was no means of filling the Throne, but that propoſed. The only way was for the two Houſes to ſeal a Commiſſion appointing Commiſſioners to open the Parliament. Mr. Attorney General ſaid, if they did not aſſent, and if they gave their voice in the affirmative, to ſupply a diſſent, how did they do their duty in reſpect to the object propoſed? The noble Lord had ſaid, ſuppoſe the Regent ſhould give a diſſent, but that

it was not likely, becauſe that he had given his word, and would not depart from it. He never upon great public queſtions, Sir Archibald ſaid, founded his opinion on perſonal confidence. He had expreſsly laid in his claim, early in the debates on the ſubject, to conſider it as the caſe of *a* Prince of Wales and not as the caſe of *the* Prince of Wales. He diſclaimed, therefore, all idea of perſonality, and would proceed to ſpeak of the Bill upon its own grounds. If the Bill were enrolled, they were bound by it. The Attorney General proceeded to argue upon Commiſſions that were enrolled, and thoſe that were not; the Commiſſions in Henry the Seventh's time, were, he ſaid, enrolled; in Henry the Eighth's, but few were enrolled. In the reign of James the Firſt the practice ceaſed. The Attorney General reaſoned upon a variety of collateral particulars, and contended that the ſignature of Henry the Eighth to the Act attainting the Duke of Norfolk was a forgery. The Attorney General added a great many other particulars to enforce his argument, and aſked if there could be a groſſer fiction, than that of a child being ſeated in Parliament, the Chancellor bowing to him gravely, he returning the ſame bow, and the Chancellor ſaying it was the King's pleaſure that they ſhould proceed ſo and ſo. The Attorney General obſerved, that the noble Lord had ſpoken of the conduct of the inhabitants of Glaſgow with ſome deriſion; he begged to recal the word, he meant with ſome degree of pleaſantry. He enlarged a little on this idea, and, conſidering it as much their duty to vote the Reſolution as it was their duty to vote the Queſtion of Right to be in the two Houſes, when it had been aſſerted that a right exiſted in the Prince, he concluded with declaring, that he ſhould give his vote for the Motion.

Lord North. Lord *North* ſaid, he had not ſpoken of the proceedings of the meetings at Edinburgh and Glaſgow with any deriſion; he conceived that they ſuppoſed the Propoſitions moved and voted in that Houſe, had done them a great deal of ſervice. His[W] Lordſhip ſpoke ironically of the pleaſures the people would derive from the tranſactions that were going on, and ſaid, there would be no end of their pleaſures, until the precedent they had ſet this day had gone into a principle that might overturn the Conſtitution. He repeated his doctrine, that the Repreſentative of the third eſtate,

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ought to be enabled to give the Royal Aſſent or Diſſent to the Bill appointing the Regent, and that without it he was no true Repreſentative of the Crown. His Lordſhip ſaid, he held this to be the genuine doctrine of the Conſtitution.

The *Chancellor of the Exchequer* roſe in order to prevent the impreſſion which, he ſaid, the noble Lord had endeavoured to fix on that Houſe and on the Country, by the uſe the noble Lord had made of the Anſwer of his Royal Highneſs the Prince of Wales to the Addreſs of the two Houſes. The noble Lord ſaid, his Royal Highneſs had anſwered very graciouſly, and that there had been a general alarm ſpread throughout the country, leſt the Queſtion of Right ſhould be ſupported. He denied the truth of that propoſition, and appealed to the Houſe, when that queſtion was in agitation, whether any perſon voted in favour of that Right. He ſaid, the Right had not been claimed by the Prince of Wales, but had been aſſerted by others. That no man had been bold enough to have given his Royal Highneſs the advice to aſſert ſuch a Right after the ſolemn deciſion of the two Houſes of Parliament, was by no means a matter of ſurprize, and if any man was to be found ſo bold, it was not likely that a Prince of the Houſe of Brunſwick would have taken ſuch advice. That his Royal Highneſs's acceptance of the Regency would be matter of joy to the people, he could admit, but not that it would be matter of ſurprize. They would not, however, be ready or willing to caſt a cenſure upon Parliament for reprobating unconſtitutional principles, held and ſtarted by thoſe who now lamented their having ever aſſerted them, which they were afraid and aſhamed to avow, and which they ſeemed willing to retract; principles which never again, he hoped, would for a moment be borne in that Houſe or in the Country. Mr. Pitt.

Mr. *Burke* denied that any thing had been retracted. He ſaid, he looked the Hon. Gentleman full in the face, and if he was in error, was perfectly willing to retract it. The Right Hon. Gentleman had choſen with great judgment to attack a Gentleman when abſent. The ſtyle of his ſpirit was of a tenor with that of his politicks, and he always attacked an enemy in a ſtate of incapacity. The Right Hon. Gentleman had the opportunity of attacking his Right Hon. Friend, Mr. Fox, when he was abſent and ſick; he had, with the ſame judgment, attacked the prerogatives Mr. Burke.

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of the Crown. His ſentiments, he ſaid, never ſhould be expreſſed in the equivocal, inſidious, and unbecoming language of the Right Hon. Gentleman's Reſolution. Mr. Burke proceeded to aſſert the Right of the Prince of Wales, declaring that his Right was as clear as the ſun, and that it was the duty of the Houſe to appoint him Regent with the full powers of Sovereignty; his Royal Highneſs had a right in law, in juſtice, and in equity. After much at length enforcing the Prince's Right, in ſtrong terms, he reprehended the Addreſs of the Merchants of Lancaſter to the Right Hon. Gentleman, condemning them for aſſerting that the Reſolutions were conſiſtent with the conſtitution of the whole empire, which he ſaid was the moſt impudent audacity, dictating to the kingdom of Ireland, that they ought to appoint for their Viceroy, and the other great officers, the miniſterial tools of the Right Hon. Gentleman. He ſtated at length the great miſchiefs that might be apprehended with reſpect to Ireland, in conſequence of the Prince's Right having been denied, and of the Right aſſumed by the Houſe, declaring that they tended to militate againſt the unity of the Empire, and that if Ireland choſe to make the Lord Mayor of Dublin Regent, or to appoint a number of Regents, we had not the power to prevent it. After reprobating the Reſolutions, the mode of proceeding, and the delay, he ſaid the plan now propoſed was to adopt what deſerved a worſe name than a phantom—they were going to create Milton's monſter of Sin and Death: Death to the Conſtitution, and Sin to the feelings of the Country; to thoſe who were concerned in the meaſures carried on, who were creating innumerable barking monſters, howling at, and endeavouring to deſtroy every principle of the Conſtitution: they were going to ſteal the Great Seal, to commit a forgery and fraud to ſupport violence, and to carry them on to their climax of villainy. If the Houſe wiſhed to preſerve unity in the Empire, they ought to appoint a perſon to repreſent the King who was intereſted in the Empire; they ought to truſt his Royal Highneſs upon his word, who hereafter they muſt truſt without; by ſo doing they would ſave their Country, and none would ſuffer but ambitious men. Mr. Burke, amidſt a variety of pertinent opinions, urged the argument of delay, and ſaid, that the Convention Parliament, in the year 1688, ſat on the 26th of December, and on the 12th of January

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they had completed all their objects, &c. finishing the whole in sixteen days.

While Mr. Burke was upon his legs, having alluded in some measure to Mr. Dundas, that Gentleman rose, and a short altercation ensued. Mr. Dundas denied that he had, either by gesture or otherwise, warranted the Right Hon. Gentleman in calling upon him.

Mr. *Burke* admitted that the Honourable and learned Gentleman had not, and resumed the thread of his argument. He touched upon the object of all the Propositions, and with great heat and warmth reprobated the matter rendered the subject of the Proposition immediately before the House. He said, that House had no right to authorize the Lord Chancellor to put the Great Seal to forgery, fraud, and violence; that giving them the form of the Royal Authority instead of the substance, was to give them the sweepings of the cobwebs in Westminster Hall, and the smoke of the dish; and the danger that had been talked of, if they were to address the Prince of Wales to take the Regency upon him, reminded him of the giant who used to swallow a dozen windmills for breakfast every morning, and was afterwards choaked by a small bit of butter in July. In the present instance the Commission was said to be in form of an act of the Crown, and in substance an act of the two Houses. There never was, he said, a precedent in this country where the two Houses took upon themselves to exercise the legislative authority of the Crown. Necessity, he observed, had been generally termed the tyrant's plea, but, strange to tell, it was now held to be the guardian of our liberties. Mr. Burke argued that the Committee ought, in the present instance, to act liberally and fairly, and to trust the Prince upon his word, solemnly given in his answer to the Addresses of both Houses, since hereafter they must trust him without. That would, he said, give them union, that would give them liberty, that would give them peace. Mr. Burke.

Mr. *Rolle* rose as soon as Mr. Burke sat down, to rescue the Meetings in the West of England from the censure that appeared to him indirectly to have been cast upon them by the noble Lord in the blue ribband. The Meeting in the County of Devon, Mr. Rolle said, had resolved to return thanks to his Right Honourable Friend Mr. Rolle.

Friend for having aſſerted the Right of the two Houſes of Parliament to provide for the exerciſe of the Royal Authority during the incapacity of his Majeſty, and brought that Queſtion to a deciſion, in contradiction to the Right aſſerted by a Right Hon. Gentleman, not then preſent, to exiſt in his Royal Highneſs the Prince of Wales to aſſume the exerciſe of that Authority, whilſt his Majeſty's illneſs continued. The queſtion of the Right of the two Houſes to provide for ſupplying the defect in the exerciſe of the Royal Authority, had not, Mr. Rolle ſaid, been, as it was contended, unneceſſarily brought forward, or upon light grounds. The aſſertion of the Right of the Prince of Wales to aſſume the exerciſe of the Royal Authority during his Father's incapacity, had not, indeed, been made a matter of regular claim, avowed on the part of his Royal Highneſs, but it had been deliberately urged by a Member of that Houſe, who, from his extraordinary eloquence, his great abilities, his weight and authority in the country, owing to the recollection of the high offices he had filled in the State, certainly drew great attention on every thing that fell from him, and enabled whatever he ſaid (eſpecially reſpecting his Royal Highneſs the Prince of Wales, in whoſe confidence he was ſuppoſed to ſtand high) to make a conſiderable degree of impreſſion on the minds of all who heard him. Mr. Rolle ſaid, it gave him, and he doubted not it would give his conſtituents, great pleaſure to hear that his Royal Highneſs the Prince of Wales had declared his willingneſs to accept the Regency on the terms propoſed, and to ſubmit to the Limitations and Reſtrictions voted by the two Houſes. There had occurred one circumſtance, however, ſince the ſignification of his Royal Highneſs's anſwer had been given, that he was ſorry for, and which, he feared, would cauſe a good deal of uneaſineſs in the country; and that was, a certain ſeceſſion that had taken place. [The Houſe expreſſing ſome earneſtneſs to know to what Mr. Rolle alluded,] Mr. Rolle ſaid, he meant the circumſtance of the Prince of Wales and the other Royal Dukes having deſired their names might be omitted in the preſent Commiſſion. An Hon. Gentleman, a worthy Alderman of London, Mr. Rolle obſerved, had taken upon himſelf to aſſert, at a late Court of Common Council, that he had taken the Addreſs lately voted by the county of Devon ready drawn from the Treaſury down to Devonſhire. He knew

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not whether the Hon. Alderman [Mr. Sawbridge] was then in the Houſe, but he took that opportunity of declaring, that ſo far from the alledged circumſtance being founded in fact, he never ſaw the Addreſs till he went down to Devonſhire; that it was there drawn up by a previous Committee, of which his worthy Colleague and himſelf were Members; that it was drawn up openly and publicly, when one hundred, or a hundred and fifty perſons were preſent; and that as the Quarter Seſſions were held at the time when the General Meeting was ſummoned by the High Sheriff, the attendance of Gentlemen, Freeholders, Clergy, &c. was as numerous a one as perhaps ever was aſſembled, and the Addreſs of Thanks to his Right Hon. Friend for his conduct was voted by almoſt the unanimous voices of the Meeting, a very few of the perſons preſent ſignifying any thing like diſapprobation.

Lord *North* roſe again to exculpate himſelf from having ſaid any thing diſreſpectful to the Hon. Gentleman's conſtituents. He had not, his Lordſhip ſaid, uttered a ſyllable that tended to convey the leaſt reflection on the people of Glaſgow and Edinburgh, and the Weſt of England, for the conduct they had adopted in voting Addreſſes of Thanks to the Miniſter. When the people of Glaſgow, of Edinburgh, and of Devonſhire, had felt themſelves called upon to vote their Thanks to the Miniſter, for having aſſerted the Right of the two Houſes of Parliament to provide for the deficiency in the exerciſe of the Royal Authority, it was natural to ſuppoſe that they had imagined that Right had been diſputed. He therefore was ſurely warranted in ſaying, that his Royal Highneſs's Anſwer to the Addreſs of the two Houſes would agreeably ſurprize them, by proving that his Royal Highneſs paid ſo much deference to the reſolutions and opinions of the two Houſes, that he profeſſed himſelf ready to accept the Regency on any terms that the two Houſes ſhould think proper to grant it. His Lordſhip ſaid, thinking that the people had felt the alarm perhaps too much, he conceived that their minds would now be quieted, but he had not an idea that they could feel any alarm from the ſeceſſion of the Princes of the Blood, and from their having deſired to take no ſhare in a proceeding, which they did not in any part of it approve. Lord North.

Mr. *Rolle* ſaid a few words in explanation.

Sir

Sir James Johnſtone.

Sir *James Johnſtone* ſaid ſomething about popery, and the abjuration of the power and authority of the Court of Rome. If he found any thing objectionable in the wording of the Commiſſion then before the Committee, Sir James ſaid that it was not ſtrong enough. It ſtated, that the Lord Chancellor be *directed* to put the Great Seal to the Commiſſion reſolved on. Sir James thought that the Lord Chancellor ought to be *commanded* to put the Great Seal to ſuch a Commiſſion. The occaſion juſtified the exertion of authority, and the Lord Chancellor dared not refuſe the command of the two Houſes of Parliament.

Mr. Sheridan.

Mr. *Sheridan* ſaid, he meant not to trouble the Committee with more than a few words. He roſe merely in conſequence of what had fallen from an Hon. Gentleman over the way [Mr. Rolle]. Mr. Sheridan denied that his Right Hon. Friend, who was not then preſent, had ever aſſerted the Prince of Wales's Right to aſſume the exerciſe of the Royal Authority without the adjudication of the two Houſes of Parliament. The Queſtion of Right was therefore unneceſſarily agitated, becauſe the doctrine of the Houſes having a Right to provide for the defect in the exerciſe of the Royal Authority had never been denied. With regard to his Right Hon. Friend ſtanding high in the confidence of the Prince of Wales, the fact undoubtedly was, that his Right Hon. Friend ſtood higher in the opinion of his Royal Highneſs than any other perſon; and the reaſon was, that his Royal Highneſs repoſed the greateſt confidence, where he found the greateſt merits. With regard to the ſeceſſion which the Hon. Gentleman had alluded to, the reaſon was obvious. It was extraordinary that the Miniſter ſhould have been with the Prince of Wales the day before the Commiſſion had been propoſed in the other Houſe of Parliament, and never conſulted his Royal Highneſs, whether it was agreeable to him, or his Royal Brother, and Royal Uncles, to have their names reſpectively inſerted in the Commiſſion iſſued on principles repugnant to thoſe contained in a proteſt, which the Duke of York had ſubſcribed and recognized. As to the baſe coinage which was intended to be iſſued in the name of Royalty, without its bearing one feature of the Royal countenance, Mr. Sheridan ſaid, after the able arguments that had been urged, and particularly in the ſpeech of his Right Hon. Friend [Mr. Burke], of which it was enough barely to allude, he would

would not pay ſo ill a compliment as to trouble the Committee with a ſyllable in addition to thoſe arguments.

Mr. *Powys* roſe to aſk a Queſtion relative to the words under which the Duke of Glouceſter, in the early part of the reign of Henry VI. and the Duke of York, in the ſubſequent part of the ſame reign, exerciſed the power of giving the Royal Aſſent or Diſſent to any Bill or Bills that were ſubmitted to them for the Royal Aſſent? Mr. Powys.

The *Chancellor of the Exchequer* ſaid a few words in reply, and admitted, that although the Commiſſion, ſtated in the Reſolution, contained words of general power, enabling the Commiſſioners to do all that our Sovereign Lord the King could do, yet that it was neceſſary there ſhould be a ſecond Commiſſion iſſued to complete the buſineſs. Mr. Pitt adverted to the two Commiſſions to which Lord Hardwicke had put the Great Seal in 1754. Mr. Pitt.

Mr. *Powys* ſaid, the Committee ſome time ſince, had a great number of Precedents ſubmitted to them, on which, in the early ſtage of the buſineſs, much reliance had been placed, but they had all been abandoned, and two new precedents not ſtated in the Report of the Committee, appointed to ſearch the Journals, were reſorted to and chiefly relied on. Mr. Powys ſaid, to thoſe two precedents, viz. thoſe of the two different Commiſſions to which Lord Hardwicke had put the Great Seal, he ſhould ſay nothing, becauſe in the caſe of both, there had been a King upon the throne, incapable, from illneſs indeed, of meeting his Parliament, but capable of judging and deciding upon every proceeding of Government neceſſary to be taken. Mr. Powys enlarged on the diſtinction between general powers ſo given by an actual, exiſting, competent authority, and general powers given by an imaginary, fictitious, and unreal phantom. To open a Parliament, there muſt, he ſaid, be a perſon capable of authorizing the act, either the King himſelf, or the King's Repreſentative. In the preſent caſe, there would be neither, but an empty ſhadow ſet up as the true reflexion of the King himſelf. Mr. Powys.

The *Solicitor General* (Sir John Scott) promiſed not to detain the Committee, but in a few words to explain why he adviſed them to order the Commiſſion, now moved for, to be iſſued under the Great Seal, and why it would be right afterwards to put the Great Seal Sir John Scott.

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to another Commiſſion, in order to give the Royal Aſſent to the Bill appointing a Regent. Sir John ſaid, he was glad that it had not been ſaid in that Houſe, that ſuch a mode of proceeding was not legal. No man had ventured to make ſuch a declaration; nor could any man have dared to have done it, that knew any thing of the law and the Conſtitution of the country. When he had troubled the Houſe, when the Reſolution, that it was their Right to determine on the means to provide for the deficiency of the exerciſe of the Royal Authority had been under conſideration, the Committee would recollect that he had ſtated, that a Regent could not be appointed but by an Act of Parliament, and in order to paſs that Act, there muſt neceſſarily be a Commiſſion iſſued under the Great Seal to open the Parliament, and a ſubſequent Commiſſion to give the Royal Aſſent to ſuch a Bill as ſhould be paſſed by the two Houſes. That was the legal mode of proceeding; the other, that of addreſſing the Prince, to take upon him the Regency, a term unknown in law, was clearly illegal. If they addreſſed the Prince to take upon him the Regency, he could not be Regent, but by ſome ſuch fiction as that now propoſed to be reſorted to. It was his duty, the Solicitor General ſaid, as a profeſſional man, to ſatisfy the Houſe, that the mode of proceeding recommended to them was legal. It was a point on which they ought to be ſatisfied. In the courſe of the debate on the Reſolution then before the Houſe, he obſerved, that the Statutes referred to, as bearing upon the Queſtion, were the 33d of Henry the Eighth, the Act of Charles the Second, and the Act of the firſt of Queen Mary, each of which pointed two ways; but if it was contended that thoſe were *negative* Statutes, and they were to regard them in that point of conſtruction; he begged leave to aſk how were they to appoint a Regent at all? He denied it to be poſſible, becauſe the conſent of the Crown muſt be had to the Act, and it was well known to them all, that his Majeſty could not attend in Parliament to ſignify his conſent in perſon, neither could he put his ſign manual to a Commiſſion. The only mode of obtaining the King's conſent, was by putting the Great Seal to the Commiſſion for paſſing it, and making it a public Act. If it was ſo authoriſed that rendered it a public act, and if upon the face of it it expreſſed, that it paſſed by the conſent of the King, Lords, and

and Commons, the judges of the land could not diſpute it. The Great Seal once put to it, gave it all the authority of law, and no enquiry could be had as to the mode of its having been paſſed. Sir John ſaid, if Letters Patent paſſed without the King's warrant having been previouſly granted to direct ſuch Letters Patent to be made out and ſealed, yet having the Great Seal annexed to them, however criminal it might be in the perſon who ſhould under ſuch circumſtances take upon himſelf to put the Great Seal to thoſe Letters Patent, they would be of full force, and bind the King himſelf, although it might be known that his Majeſty had not granted his warrant for making out ſuch Letters Patent. Sir John remarked, that they were then diſcuſſing no queſtion of politics, no queſtion of party; they were all agreed as to the object; their ſole object was to make the Prince of Wales Regent, on the terms of the Reſolutions. The only difference of opinion was, which were the moſt ſafe, the moſt legal, and the moſt conſtitutional means of attaining their common object. He muſt contend, that the mode propoſed in the Reſolution voted by the Houſe of Lords, and to which they were called upon to agree, was, in his opinion, the only legal mode in their option. If there was any other way, let Gentlemen in fairneſs and in candour mention it. Thoſe who recommended the other mode, that of addreſſing the Prince to take the Regency, perhaps were not aware, that the Prince muſt in that caſe take upon himſelf to repreſent the King in the Houſe of Lords, or if it were to give his conſent to the Regency Bill, he muſt conſent to appoint himſelf Regent, a ſort of conduct that could not but draw down queſtions of his authority, and expoſe him to future difficulty. Sir John clearly pointed out the different degree of weight and ſanction that muſt neceſſarily attend the Prince's appointment, when that appointment had the authority of a formal Act of Parliament, paſſed avowedly with the conſent of King, Lords, and Commons, the three natural and conſtitutional Branches of the Legiſlature. He took notice of the contempt and ridicule with which the mode propoſed had been treated, becauſe it was deemed a legal fiction. There were, he ſaid, many wholeſome fictions of the law; the beſt ſecurity, even of the private rights of the ſubject, aroſe from ſome of thoſe fictions of the law. The preſent might be called a *wholeſome* fiction, inaſmuch as it

ſaved the Conſtitution from danger, and proved, that ſo admirably conſtructed was that Conſtitution, that it contained in itſelf a proviſion for caſes of the greateſt emergency. But it was ſaid, that the mode propoſed went beyond the neceſſity of the caſe. He had on a former debate taken the liberty of laying it down as a maxim that the power that neceſſity creates, neceſſity limits. He ſhould adhere to that poſition, and, in adhering to it, contend, that the propoſed mode of ordering a Commiſſion under the Great Seal, and afterwards another Commiſſion to give the King's aſſent to the Bill, did not exceed the neceſſity of the caſe, but that the propoſition of addreſſing the Prince to take upon himſelf the Regency, did go far beyond it. When the Houſe had ſaid that it was their right and duty to provide for ſupplying the defect of the Royal Authority, they clearly meant to empower themſelves to order the Commiſſion under the Great Seal now propoſed, to be iſſued. He declared, it appeared to him ridiculous to exclude the Prince from his ſituation as a Peer in the Houſe of Lords, in order to make him act as a King. He deſired not to be underſtood as abandoning the Precedents on their Table. He relied on the Precedent in the early part of the reign of Henry the Sixth. In that reign, there were as great Lawyers as lived in this day, or as would live probably in the time to come; there were alſo in that reign ſome of that deſcription of perſons, who might, properly ſpeaking, be termed *uſurpers*, but both deſcriptions, the latter as well as the former, he well knew in all things wiſhed to have the ſanction of law for every one of their proceedings. It had been his duty, as it neceſſarily was the duty of thoſe, who were from their ſituations called upon for advice what were the proper and legal ſteps to be taken in ſuch an emergency, to inform themſelves fully of all the Precedents our Hiſtory afforded. He had not, he was free to acknowledge, with all his application to the ſubject, been able to ſatisfy himſelf what had been the actual fact, with regard to the Commiſſions iſſued under the Great Seal in the early part of the reign of Henry the Sixth, but of this he was certain, that many of them neither had, nor could have the King's Sign Manual affixed to them; and yet ſome of the ſoundeſt and moſt ſalutary acts on our Statute Book had paſſed during that period. He could not but obſerve, Sir John ſaid, that thoſe perſons, who were willing

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to give away the Rights of the King without ſcruple, and to inveſt the Prince with all the Royal Authority, in the life-time, and during the reign of his father, ſeemed to think only of the caſe of infancy. When he talked of the allegiance he owed to his Sovereign, it had been ridiculed under the idea, that it was idle to boaſt of allegiance to him, who was incapable of affording protection. To thoſe who pleaſed themſelves with that ſpecies of reaſoning, he would aſk, if the intended Regent was to leave a child, an infant of ſix months old, how would he like ſuch a doctrine to be then inſiſted on? The preſent Commiſſion, he ſaid, expreſſed that it was made by conſent of both Houſes of Parliament; therefore, upon the face of it, it ſtated the caſe to which he referred. As the Bill was merely to conſtitute a Regent, it was quite a matter of indifference whether it was paſſed by one perſon or another, ſo long as it paſſed in the name of the King upon the Throne. Sir John adverted to the precedents in the reign of George the Second, when Lord Hardwicke had, in the year 1754, put the Great Seal to two Commiſſions, one containing general powers granted to certain Commiſſioners to hold a Parliament, the other to give the Royal Aſſent to the ſingle Bill that had paſſed in that Parliament, a Bill of Naturalization. He compared theſe two Commiſſions with the Commiſſion then under conſideration, and that which it would be neceſſary to iſſue when the Bill ſhould have paſſed the two Houſes and be ready for the Regal Aſſent. Lord Hardwicke, he ſaid, appeared to him to have his doubts, whether the general powers, conveyed by the firſt Commiſſion, were ſufficient to authorize thoſe Commiſſioners to give the Royal Aſſent to the Bill that afterwards paſſed; and he collected that Lord Hardwicke had entertained ſuch doubts, from the circumſtance of his having iſſued a ſecond Commiſſion. But he obſerved, that Lord Hardwicke had choſen to reſerve thoſe doubts, and not to decide upon them by the terms in which the two Commiſſions were drawn, and their effect on each other, care having been taken by the noble Lord to inſert a clauſe in the ſecond Commiſſion, purporting that the one ſhould not affect the other. Sir John expatiated on theſe circumſtances, and added a variety of other pertinent obſervations which we have not opportunity to ſtate; he concluded a very able ſpeech with declaring, that he had en-

deavoured, as well as he could, to explain to the Hon. Gentleman (Mr. Powys) the ground on which the Motion reſted; whether he had done it ſatisfactorily, or no, the Hon. Gentleman could alone decide.

Mr. Wyndham. Mr. *Wyndham* began with ſaying he ſhould not have riſen to ſay a word that day, but for what had fallen from the Learned Gentleman who ſpoke laſt. As the argument then ſtood, they knew not on what grounds the authors of thoſe proceedings reſted them. On one hand it was ſaid, that they were acting upon neceſſity, upon another that they were acting upon law. It was, he conceived, impoſſible that both poſitions could be true. The Right Honourable Gentleman in his opening had clearly ſtated, that the neceſſity of the caſe obliged them to have recourſe to irregularities, and he had heard the ſame doctrine, Mr. Wyndham ſaid, ſtated elſewhere, and yet the learned Gentleman who ſpoke laſt had declared, that there was no exiſting neceſſity, but that the proceeding propoſed was ſtrictly legal, and that to addreſs his Royal Highneſs to take upon him the Regency was clearly illegal. Amidſt theſe jarring opinions, Gentlemen might ſurely doubt the neceſſity aſſerted on the one hand, and the legality of the proceeding aſſerted on the other. Mr. Wyndham ſaid, that wonder-working machine, the political capacity of the Sovereign, was the grand ſpring of all the arguments on which the Gentlemen of a certain profeſſion relied. He explained what he conceived to be meant by that expreſſion, in terms ſtripped of the technical obſcurity in which the expreſſion was involved, and contended that the Royal Prerogatives were attached not merely to the life of the Sovereign, but to the King's political authority. He rejected the idea of the act they were about to take being a legal one, and ſaid, when from neceſſity they were obliged to have recourſe to an irreſponſible act, he conceived it to be much more ſafe, that it ſhould ſtand upon its own ground, diſtinguiſhed as an irregular proceeding juſtified only by neceſſity. They would then know what it was, and poſterity would know on what its merits had reſted. Mr. Wyndham took notice of the learned Gentleman who had ſpoken early in the debate, and had ſaid, the argument againſt the motion amounted in fact to an aſſertion, that they had the power to make the law-maker, but not the law whereby he

he was to be made. That was, he ſaid, the very diſtinction that in his mind applied in the preſent inſtance. He reaſoned upon the diſtinction, and put the caſe of a Patron having a right to preſent to a living. The Patron could not, he ſaid, fill the living himſelf, and, if he was correctly informed, a clergyman who had an advowſon in his own gift, could not appoint himſelf to it, but by a ſpecial proceſs. After urging this, and a great variety of logical arguments, to prove, that declaring that act was an act of the King, when there was no King, and they all knew there could be none, was a counterfeit and a deluſion; and, after throwing a conſiderable ſhare of ridicule on the proceeding, Mr. Wyndham concluded with declaring, that he never gave a vote with more heartfelt conviction againſt a motion, than he ſhould give it againſt the motion then under conſideration.

The *Maſter of the Rolls* reminded the Houſe, that he had before deſired, if gentlemen had any amendment to propoſe, that they would ſtate it, and that it might be debated. No ſuch amendment had been propoſed; gentlemen would do well, therefore, to conſider the queſtion before the Houſe; it was, whether there ſhould be a Commiſſion iſſued under the Great Seal to open the Parliament? It was univerſally admitted, that there ought; the only Queſtion was, who ought to iſſue that Commiſſion? No perſon, therefore, had ſtated any means of providing for the opening of Parliament, except his Right Honourable Friend, and the Committee having no other Propoſition before them, were bound to decide upon that. All the arguments that had been advanced againſt the preſent Reſolution went againſt the Reſolutions already voted. The Committee, therefore, after having voted thoſe Reſolutions, which the Houſe had agreed to, and which his Royal Highneſs the Prince of Wales had alſo agreed to, would not ſurely now undo all that was done, and by a ſide-wind contradict thoſe Reſolutions which, upon full deliberation, and after long debate, they had voted. The Maſter of the Rolls, with great ability and ſucceſs, purſued his argument, and clearly proved that the ſtep propoſed was a neceſſary one, and naturally aroſe out of the former proceedings of the Houſe upon the ſubject. Pepper Arden.

There was here a ſtrong cry of *Queſtion! Queſtion!*

Mr. Dempſter. Mr. *Dempſter* nevertheleſs roſe, and after waiting till Order could be reſtored, obſerved, that if ever there was a ſubject on which gentlemen ought patiently to liſten to the arguments of each other, it was that on which they were debating; becauſe it was no queſtion of politics, but a queſtion about the mode of appointing his Royal Highneſs the Prince of Wales Regent; a ſituation in which they had all agreed to place him, as the moſt proper perſon to fill that high office, and only differed as to the beſt means of making his Royal Highneſs Regent, with leaſt injury to the Conſtitution. Mr. Dempſter renewed his argument in favour of reſorting to one expedient, inſtead of purſuing the circuitous mode of proceeding recommended by the Right Hon. the Chancellor of the Exchequer. Although the Houſe might be prevailed on to ſupport the Right Hon. Gentleman's Propoſition that night, Mr. Dempſter ſaid, he truſted the Right Honourable Gentleman, when he came coolly to reflect on the poſſible ill conſequence of eſtabliſhing ſuch a precedent, would feel the propriety of adverting to the ſimple mode of addreſſing the Prince of Wales, and requeſting his Royal Highneſs to take upon himſelf the Regency, with all the powers of the Royal Prerogative.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, he had liſtened with great attention to the Honourable Gentleman, as every thing that fell from him in that Houſe was of great weight, and well worthy their attention, but nothing that he had heard from the Honourable Gentleman in the Debate, would induce him to alter his ſentiments; that he had not formed his opinion lightly, nor without very mature conſideration; and ſo far from changing his ground, and reverting to the Addreſs to the Prince of Wales to take on himſelf the Regency, when they came to report the Reſolution, as hinted by the Hon. Gentleman, he ſhould, if the Committee voted the Reſolution, move that the Report be brought up that night, in order that they might carry it up to the Lords the next day.

The Queſtion was at length put, and the Reſolution was agreed to without a diviſion.

The Houſe was then reſumed, and the Report ordered to be brought up. It was brought up accordingly, read a firſt and ſecond

ſecond time, and agreed to. A Motion was then made and carried, that a Conference be required with the Lords on the ſubject of their former Conference, and that Dudley Ryder, Eſq. do requeſt the ſame.

The *Chancellor of the Exchequer* next moved the Queſtion of Adjournment, when the SPEAKER begged before he put the Queſtion, that the Houſe would favour him with their attention reſpecting a matter that referred to the ſituation in which the Houſe had done him the honour to place him. At the beginning of a Parliament, he ſaid, it was uſual for every Speaker to be preſented to the King, to make his excuſes, to receive the Royal approbation, and to claim the rights and privileges of the Houſe, as to freedom of debate, &c. and laſtly, to beg the indulgence of the King as to any thing that the Speaker might have occaſion to ſay on behalf of the Houſe of Commons. When a new Speaker was choſen in the middle of a Parliament, though he was introduced to make his excuſes, and receive the Royal approbation, he did not make the claim of the Rights and Privileges of the Houſe, but barely begged indulgence for what he might himſelf have occaſion to ſay. The preſent circumſtances, appeared to him not ſtrictly to warrant either of theſe modes of proceeding, and, therefore, unleſs he ſhould receive the expreſs commands of the Houſe what conduct to purſue, he ſhould govern himſelf entirely by the precedents of the Reſtoration and the Revolution. The Speaker.

The *Chancellor of the Exchequer* after a pauſe of a few ſeconds, ſaid, it ſeemed to be the general ſenſe of the Houſe, that the Speaker ſhould govern himſelf by thoſe precedents, which he had referred to, that of the Reſtoration and that of the Revolution. Mr. Pitt.

Mr. *Burke* roſe as ſoon as the Chancellor of the Exchequer ſat down, and obſerved that every ſtep they took was attended with freſh difficulty. They had juſt ſet up a phantom to repreſent the Great Seal, and now their Speaker was to bow before it, and to claim their rights and privileges from a creature of their own creation. After abandoning the precedent of the Revolution in addreſſing the Prince of Orange to take the Crown, they were going to reſort to the precedent of the Revolution in another inſtance. If it were fit to be adopted in the one caſe, he wiſhed to know why it had not been thought fit to be followed in the Mr. Burke.

other. They had ſet up fiction for the Great Seal, and thus having invaded the Conſtitution, the next ſtep they took was to diſgrace the Houſe of Commons.

Mr. Pitt. The *Chancellor of the Exchequer* replied to Mr. Burke, and reminded him, that the death of the late Speaker having added to the difficulties under which they laboured, the Houſe had thought proper to act upon the neceſſity of the caſe, and chuſe a new Speaker, without waiting for the Royal Pleaſure to be ſignified on that point. With regard to the Right Hon. Gentleman's queſtion, why it had been fit to adopt the precedent of the Revolution in one caſe, and to abandon it in the other? The reaſon was obvious; in the one caſe the precedent of the Revolution applied, and in the other, it did not. The Convention Parliament had agreed to addreſs the Prince of Orange to become King. Why? Becauſe in that caſe the Throne was vacant. They could not now addreſs the Prince of Wales to take upon him the Regency, becauſe the law knew no ſuch thing as a Regent, and becauſe the Throne was full, the King ſtill living, and having a right to retain his Crown as long as he exiſted. The buſineſs they had to do, therefore, was to appoint a perſon to exerciſe a portion of the Royal Authority during his Majeſty's incapacity, and that appointment could only be made by Act of Parliament.

Colonel North. Colonel *North* ſaid, he certainly did not wiſh, that the Speaker ſhould preſent himſelf to the Commiſſioners in the Commiſſion ordered to be iſſued, becauſe he could not conſent that he ſhould humble himſelf before perſons of their own rank and ſtation; but if the Parliament had been to have been opened by a perſon repreſenting his Majeſty, he ſhould have thought differently. The Colonel added ſome words more, which called up

The Speaker The SPEAKER, who ſaid, he believed he had not made himſelf clearly underſtood by the Hon. Gentleman. The Speaker then again explained the three things which it had been cuſtomary for a new Speaker to do at the beginning of Parliament, and the two of them which it was uſual for a Speaker to do if choſen in the middle of a Parliament.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, he underſtood that it was the intention of the Speaker to conform to the precedent of the Revolu-

Revolution. At that time the Convention Parliament had choſen a Speaker, and when King William was afterwards ſeated on the Throne, that Speaker was not preſented to the King. That was the precedent, which, he conceived, the preſent Speaker would follow, and that, conſequently, he would neither be preſented to the Commiſſioners, nor claim the rights and privileges of the Houſe, which had been already claimed of his Majeſty, nor aſk for indulgence of any thing that he might have occaſion to ſtate in Parliament.

Mr. *Anſtruther* having aſked what was to be the next ſtep taken? Mr. Anſtruther.

The *Chancellor of the Exchequer* ſaid, he hoped the two Houſes would meet early next day, that they might carry up the Reſolution to the Conference ſoon, and having the Commiſſion ready ſealed, might open the Parliament forthwith, and as ſoon as they had done ſo, and came back to that Houſe, he ſhould immediately move for the Reſolutions, that they had voted, to be read, and then move for leave to bring in a Bill for appointing a Regent, founded on thoſe Reſolutions. Mr. Pitt.

The Queſtion of adjourning was at length put, and the Houſe roſe immediately.

Thurſday, February 5.

A petition was preſented to the Houſe from the County of York, relative to the Slave Trade, which was read, and ordered to lie on the Table.

REGENCY BILL.

The *Chancellor of the Exchequer* brought in the Bill "To provide for the care of his Majeſty's Royal Perſon, and for the adminiſtration of the Royal Authority during the continuance of his Majeſty's illneſs." Mr. Pitt.

Mr. *Powys* roſe as ſoon as the Bill was preſented, and deſired to know before that or any other Bill was read a firſt time whether the Commiſſion, under the authority of which they ſat as a Parliament, Mr. Powys.

liament, had expired or not; that was, whether the Commiſſioners were *functi officio*, or ſtill poſſeſſed their powers, and whether another Commiſſion would not be neceſſary to give the Royal Aſſent to any Bill the two Houſes might paſs.

Sir A. Macdonald. The *Attorney General* ſaid, he was clearly of opinion that the Commiſſion, under the Authority of which the Parliament was opened, was ſtill in full force. That Commiſſion contained words giving powers ſo broad, that it was apprehended by ſome perſons, that they would authorize the giving the Royal Aſſent to any Bill that might paſs; but other perſons, who grounded their opinions on the conduct of Lord Hardwicke in 1754, thought differently. In 1754 Lord Hardwicke had put the Great Seal to a Commiſſion for opening the Parliament, and to a ſubſequent Commiſſion, when it was neceſſary, to give the Royal Aſſent to a Naturalization Bill, the only Bill that paſſed in that Parliament; the Royal Aſſent to which was given under the joint authority of both Commiſſions.

Mr. Powys. Mr. *Powys* ſaid he was perfectly ſatisfied, but he thought it neceſſary to aſk the queſtion.

Sir A. Macdonald. The *Attorney General* begged to have it underſtood, that he had merely delivered the ſentiments of an individual, and he wiſhed other Gentlemen to give their opinions likewiſe.

Mr. Sheridan. Mr. *Sheridan* obſerved, that it was uſual for all Commiſſions of the kind to contain words, giving a power to the Commiſſioners to adjourn and prorogue Parliament. Thoſe words were expreſsly left out of the preſent Commiſſion, which he thought extraordinary.

Sir A. Macdonald. The *Attorney General* ſaid, if the Hon. Gentleman would conſult the Rolls of Parliament, he would find, that at different times, different Commiſſions had been iſſued for opening Parliament. At one time, ſuch Commiſſions gave powers for giving the Royal Aſſent to Bills, at others they gave powers to prorogue adjourn, and at others, the powers given were merely thoſe of opening Parliament, and continuing it open. On the preſent occaſion, it was only thought neceſſary to give powers to open the Parliament, and continue it open.

Mr. Sheridan. Mr. *Sheridan* ſaid a few words relative to the two Commiſſions iſſued by Lord Hardwicke in the year 1754.

Mr.

Mr. *Anſtruther* agreed with his learned Friend, that the Commiſſion was a good one, if not liable to any other objection, whether it contained powers general, or powers limited or ſpecific. Mr. Anſtruther reminded the Houſe, that the argument had generally run in the courſe of the debates, that a Commiſſion was to iſſue, authorizing Commiſſioners to give the Royal *Aſſent* only, to the Regency Bill. If no new Commiſſion iſſued, he conceived under the general words of the Commiſſion laſt iſſued, that the Commiſſioners were left to exerciſe their diſcretion, and give either the Royal *Aſſent* or *Diſſent* to the Bill. Mr. Anſtruther.

The Queſtion was then put, "that the Bill be now read a firſt time." It was read accordingly, and the breviate of its contents being handed to the Chair, the Speaker proceeded to read it. The breviate ſtated, that the Bill authorized his Royal Highneſs the Prince of Wales to exerciſe all the Royal Prerogatives, and to tranſact every act of Government during his Majeſty's illneſs, in the name and on the behalf of his Majeſty, in the ſame manner as his Majeſty could have exerciſed the ſame, ſubject only to ſuch limitations and reſtrictions as were therein-after provided. It then ſtated the ſeveral limitations and reſtrictions ſpecifically; and that it contained clauſes inveſting the care of the King's perſon with her Majeſty, and adding a Council of Advice for the aid and aſſiſtance of her Majeſty. It ſtated, that the ſaid Council was to be inveſted with peculiar powers. It ſtated, alſo, that there were Clauſes in the Bill, providing for the reſumption of the Royal Authority in the perſon of his Majeſty, in caſe of his recovery; ſignifying, that by advice of the Queen's Council and upon his Majeſty's iſſuing his Royal Proclamation, he ſhould be empowered to reſume the ſame; and it contained various other Clauſes.

Mr. *Burke* ſaid, the Bill appeared to contain ſo many Clauſes, and ſome of them of the moſt ſerious importance, that he hoped, anxious as they all were for every poſſible diſpatch of the buſineſs and the reſtoration of the Government, due time would be allowed for the fair and deliberate diſcuſſion of the various Clauſes. The Bill was, he ſaid, a Bill to make many Kings, which of itſelf was a matter that deſerved very nice attention, but the Clauſe authorizing his Majeſty to reſume the exerciſe of the Royal Authority on the ſuggeſtion of the Queen's Council, proceeded on an idea Mr. Burke.

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ſo unfair, ſo wild, and abſurd, and was at the ſame time ſo new to the Houſe, having never been once hinted at in debate, that it demanded a moſt jealous conſideration.

Mr. Pitt. The *Chancellor of the Exchequer* expreſſed a wiſh that Gentlemen would not go into any Debate upon the Bill before they had an opportunity of reading and underſtanding it. The Bill would, he had learnt, be printed by the next day, in time for its delivery before the Houſe met. When Gentlemen had the Bill, therefore, to peruſe, they would be better able to diſcuſs its contents than they could be from merely hearing the breviate of the Bill read, which containing only a general ſummary of its ſeveral Clauſes, could not give them ſo clear an idea of the object and proviſion of its Clauſes, as they would receive from examining its detail. If the fact were, as the Right Hon. Gentleman had ſtated, that the proviſion for his Majeſty's reſumption of his Royal Authority was unfair, wild, and abſurd, as the Right Hon. Gentleman had thought proper to pronounce it, before he had read the Clauſe, the whole extent of the proceeding upon that conviction would be for the Houſe to decide, whether they would be ready to go into the Committee upon the Bill on Saturday. He owned, he hoped that the Bill would be read a ſecond time the next day, and that the Houſe would be ready to go into a Committee upon it on Saturday.

Mr. Burke. Mr. *Burke* ſaid a few words in ſupport of his former argument, on the novelty of the propoſition contained in the Clauſe, empowering his Majeſty to reſume his Royal Authority.

Mr. Sheridan. Mr. *Sheridan* alſo urged the ſame topic, obſerving, that the Bill was ordered to brought in on the Reſolutions, that it had been voted; if, therefore, it contained any new matter not grounded on any thing contained in thoſe Reſolutions, the Order of the Houſe had been departed from, and the Bill ought not to be ſuffered to proceed.

Mr. Pitt. The *Chancellor of the Exchequer* again begged that Gentlemen would avoid entering into any ſort of converſation whatever on the ſubject, till from reading the Bill, they had been enabled to make themſelves maſters of its detail. If any one of its Clauſes in the conſideration of the Houſe ſhould be deemed improper, the Houſe would have it in its power to diſpoſe of it; or if any of its

its Clauſes required amendment, they would have a fit opportunity of amending the ſame. This he was certain of, that however it might ſtrike Gentlemen that the Clauſe was a new one, which provided for his Majeſty's reſumption of his Royal Authority, when it ſhould pleaſe God to reſtore him to his former health, the principle of that Clauſe was by no means novel. No Gentleman in that Houſe could object to the idea, that proper proviſions ſhould be made to enable his Majeſty to reſume his authority, when he ſhould recover. It had been a principle much debated, and on which there had been no difference of opinion, nor was it poſſible that any difference of opinion ſhould ſubſiſt on ſuch a ſubject. If, therefore, the clauſe ſhould after examination, be found inadequate to its object, the Houſe would be able to correct its defects, whatever they might appear to be.

Mr. *Grey* ſaid, he did not mean to debate the Bill before he had read it, and underſtood its detail, but ſure he was, that there was not a greater nor a more ardent deſire on one ſide of the Houſe than on another, to provide effectually that his Majeſty might be enabled to reſume his Royal Authority, as ſoon as he ſhould recover. Certainly, every man muſt agree, that every neceſſary proviſion ought to be taken for that purpoſe, but he could not but obſerve, that allowing his Majeſty to reſume the exerciſe of the Royal Authority upon the advice of the Queen's Council, and by virtue of the Royal Proclamation only, without the interpoſition and cognizance of Parliament, did upon the face of it appear to be a moſt novel and extraordinary proviſion. Mr. Grey.

The *Chancellor of the Exchequer* ſaid, it was by no means the purport of the Clauſe in queſtion to enable his Majeſty to reſume the exerciſe of the Royal Authority by virtue of iſſuing his ſingle Proclamation, as gentlemen appeared to imagine. To remove the impreſſion that muſt neceſſarily prevail, if ſo ſtrange an idea were ſuffered to go abroad, he muſt ſhortly, and in the abſtract, ſtate the nature of the proviſion contained in the Clauſe alluded to. The Clauſe provided, that upon its appearing to the Queen, and to the majority of her Council, that his Majeſty, was fully reſtored to his health, and upon his Majeſty's requiring a Privy Council to be ſummoned, and ſignifying ſuch requiſition, under his ſign manual, to the Lord Preſident of the Council, or Secretary Mr. Pitt.

of

tary of State for the time being, a Privy Council, conſiſting, as well of thoſe who had been Members, as thoſe who were Members, uſually ſummoned, ſhould be convened, at which his Majeſty and the Queen ſhould be preſent when his Majeſty's Phyſicians ſhould be examined, and upon its appearing to the majority of the Privy Council ſo ſummoned, that his Majeſty was recovered, his Majeſty ſhould be authorized to reſume the exerciſe of his Royal Authority, upon the iſſuing of his Royal Proclamation for that purpoſe, ſigned not only by his ſign manual, but counterſigned by the majority of the ſaid Privy Council, and that Parliament ſhould immediately be called together to recognize and ratify the proceeding.

This explanation appeared to give general ſatisfaction to the Houſe, and the Bill was ordered to be read a firſt time that day, and to be printed.

Friday, February 6.

REGENCY BILL, AND BILL PROVIDING FOR THE CARE OF THE KING'S PERSON AND HOUSEHOLD.

Mr. Pitt. The *Chancellor of the Exchequer* moved the Order of the Day for the ſecond reading of the Bill, "To provide for the care of his "Majeſty's Royal Perſon, and for the Adminiſtration of the Royal "Authority, during the continuance of his Majeſty's Illneſs."

On the Speaker's putting the Queſtion, "that the Bill be now read a ſecond time,"

Mr. Burke. Mr. *Burke* roſe, and declared himſelf aſtoniſhed that the Bill ſhould be propoſed to be read a ſecond time, without the Houſe having heard a ſyllable as to what the principles of the Bill, as opened and acted upon by the clauſes and proviſions of the Bill, were. He had, he ſaid, often known the principles upon which a Bill had been ordered to be brought in, either totally loſt ſight of in the Bill itſelf, or ſo violently ſtrained and departed from in the various clauſes, that ſcarcely a ſingle principle upon which the Houſe had reſolved to legiſlate, was to be found in the Bill, or to

be found entire. It behoved the Houſe, therefore, at all times, to watch great and important Bills narrowly, and to ſee that they were not deceived and deluded; and that while they meant and had reſolved to paſs a Bill for one purpoſe, they were not induced to paſs a Bill, containing proviſions to anſwer a very different purpoſe. There might poſſibly, he ſaid, exiſt ſome doubts as to the conſtitutional and legal competency of the character in which they were then proceeding to act as a branch of a perfect legiſlature; in argument and in debate, he and others had much queſtioned the validity of the Commiſſion, under the authority of which Parliament had been opened; but admitting for the preſent that there had been exerciſed a competent power to make the Houſes a Parliament, and enable them to do the act, upon which they were proceeding, they ought to ſee what the Bill was, before they went on with it, and therefore, though he meant not to debate the ſubject at large, he ſhould take the liberty of calling the attention of the Houſe, before they read the Bill a ſecond time, to the extent of its proviſions, and the extraordinary manner in which the Reſolutions that the two Houſes had come to, were now attempted to be made uſe of and carried into effect. Never ſurely, ſaid he, was there a time when the people of England and that Houſe were ſo called on to ſee what they were doing, and to examine with every poſſible degree of prudence and foreſight, the ſerious and important conſequences what they were doing might lead to. His Majeſty's incapacity to exerciſe the Royal Authority had been eſtabliſhed, to the conviction of the two Houſes, in a manner that left all poſſibility of doubt out of the queſtion; indeed, if the examinations of his Majeſty's Phyſicians had not taken place, the fact would be too clear to have admitted a diſpute, from a great variety of conſequences not neceſſary to be detailed, becauſe they were conſequences which they not only all ſaw but felt. The duration of his Majeſty's malady, the turns it might take, the diſguiſes it might aſſume, lay hidden in the ſecret receſſes of the diſpoſitions of Providence. His Majeſty was inſane, but his malady was not like that of ſome other perſons who were under confinement in houſes and places deſtined for ſuch purpoſes, intermittent, various, ſubject to degrees, lucid intervals, and occaſional viſitations of reaſon, but his faculties were totally eclipſed; not a

partial

partial eclipſe wanting ſome digits of completion, but a total and entire eclipſe. They were, therefore, to ſupply the defect in the exerciſe of the Royal Authority. The preſent Bill was indefinite in its duration, becauſe that bold Promiſer, Dr. Willis, himſelf, could not fix a probable time for the chance of his Majeſty's being capable of recovering ſufficiently well to be fit and able to reſume the exerciſe of his Royal functions; and as Dr. Willis, in the ſanguine temper, ungoverned zeal, and impetuous raſhneſs of his mind, could not take upon him to decide what would be the duration of his Majeſty's illneſs, it was not likely that phyſicians of more moderate minds, of cooler judgments, and of more ſober reaſon, ſhould take upon them to decide the duration of the malady that had ſtruck at the Sovereignty of the Empire, and wounded every thing that was Sovereign, either in the political or natural capacity of the King upon the Throne. Not any thing like a moderate time, therefore, had been promiſed for the duration of his Majeſty's illneſs; the malady of the Monarch conſequently was fixed to no known definite time, and at that moment a Bill was brought in totally to ſeparate and parcel out the Royal Authority, ſo as leave only the chance of a Government neceſſarily ſo weak and impotent, as to be ſcarce able to ſtand at all. All limited power, Mr. Burke ſaid, was from its nature feeble, and the circumſtance of its being only temporary and uncertain, rendered it ſtill more deficient in vigour and in efficacy. The firſt object of the Bill was, he obſerved, to nominate a perſon to hold this weak and almoſt uſeleſs Government. The next purpoſe it avowed its aim to effect, was the raiſing a power in oppoſition to that Royal Authority. Thoſe who gave ſuch powers, were clearly to be the maſters of them, and there could no doubt remain but that the Bill was drawn with a deſign to anſwer the rash ends of the mad and daring ambition of a Right Hon. Gentleman, whoſe conduct had but too plainly manifeſted his view and his intentions. Thus there was a partition of power, in which the Prince was deſtined to have no other than an *official* character, while all the Palaces, Offices, and Dignities, were given to another. This partition was more odious and offenſive than the famous Partition Treaty relative to the ſucceſſion, on the death of the laſt Prince of the Houſe of Auſtria. It was a partition founded on a moſt wicked and malicious

ſicious principle; every thing that was degrading and reſtrictive, every thing that ſtamped a ſuſpicion on the character of the Prince, and conveyed a groſs affront to his Royal Highneſs, by holding him out as a perſon not to be truſted, as a perſon whom the public ought to ſuſpect, and were likely to be deceived by, was done by what was withheld in the Bill; while, on the other hand, all that was graceful, all that was honourable, all that was calculated to hold up a character as great, virtuous, and meritorious, was given where an Oppoſition was ſet up to oppoſe and counteract the executive Government. The Bill affected to give the Royal Authority, and tended to anſwer the purpoſes of a faction againſt that authority. Its real object was to defeat the preferable claim of the Prince of Wales to the Regency, in the very moment that the Claim had been in practice and in effect, found to be irreſiſtible, and to ſet up what had been termed the *equal* Right of a Subject, as paramount to the Prince's Right. Mr. Burke, with great warmth, declaimed upon the purport of the Bill, in the view of which he choſe to conſider it, and among a variety of other invectives againſt it, ſaid, the doctrine of divine right, which had been exploded in the Houſe of the Stuarts, was now revived in favour of another Houſe. The preſent Miniſter he underſtood had been called an *heaven-born* Miniſter in another place; they might fairly ſuppoſe, therefore, that he had a divine right to take to himſelf a larger portion of power and of patronage than he choſe to leave to the Prince on the Throne; and when he ſaid the Prince on the Throne, he begged to be underſtood as alluding to the Prince of Wales, ſitting on the Throne in his delegated character, on the behalf, in the name, and as the repreſentative of his father. But if the Miniſter was already declared by one of his fanatics to be an *heaven-born* Miniſter, he did not wonder at his conſidering himſelf as acting under the influence of a divine right, and that he ſhould go any lengths to ſecure the power that he aimed at. By the preſent Bill, all the powers of diſtributing honours, and even charity, were denied the Regent. There were, Mr. Burke obſerved, a variety of leſſer inſtances of bounty annexed to the Crown, that the Regent was moſt invidiouſly reſtrained from. There were employed by the Houſhold, painters, architects, poets, hiſtoriographers, and many other artiſts and artificers of different

degrees, ranks, orders, and deſcriptions, to reward whom, the Prince was deprived of every poſſible opportunity. He was left without a table, without any proviſion that reſembled the ſhadow royalty, further than what he had enjoyed as Prince of Wales, from his Majeſty's perſonal bounty. Mr. Burke enlarged upon this topic conſiderably, and with his cuſtomary ardour of expreſſion. Though, he truſted, he honoured her Majeſty as much as any other ſubject, he did not think ſhe ought to have that patronage. She might be nominated to hold it, but he was confident the exerciſe of it would devolve into other hands. The Bill was calculated, he ſaid, to eclipſe the Royal dignity, and to reduce the Regent to an *official* character, which was a ſcandal to the nation, and the more ſo, as coming from thoſe who were thought men of honour, and therefore he ſhould conſider it as a wicked, baſe, and unjuſt action, not more degrading to the Prince of Wales, than diſgraceful to the perpetrators. By the Bill, reſponſibility was given to the Prince of Wales, who was ſaddled by having all the onerous duties of Government impoſed on him, without having any grateful powers to counterbalance the burthen, while the dignity, ſplendour, and real diſtribution of emoluments, were given to the Miniſter. The Bill meant not only to degrade the Prince of Wales, but the whole Houſe of Brunſwick, who were to be *outlawed*, *excommunicated*, and *attainted*, as having forfeited all claim to the confidence of the county! [Some Gentlemen ſmiling at the extent of this doctrine, and the vehemence of emphaſis with which it was delivered] Mr. Burke burſt out into a moſt violent paſſion, and reprobated the conduct of the other ſide of the Houſe, and charged them with degrading the Royal Family, ſowing the ſeeds of future diſtractions and diſunion in that family, and with proceeding to act TREASONS, which the juſtice of their country would one day overtake them for, and bring them to trial—

Mr. Burke was interrupted by a loud and general cry from the other ſide of the Houſe, of *Order! Order!*

Mr. Gammon and the Chancellor of the Exchequer were both at the ſame time on their legs, but the latter obtained the hearing.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, he roſe to ſpeak to Order. When the Right Hon. Gentleman choſe to indulge himſelf with a direct attack upon him in the ſtyle of invective, in which he was accuſtomed

accuſtomed to deliver himſelf in that Houſe, he ſeldom thought it worth his while to interrupt the Right Hon. Gentleman, and call him to Order, or indeed to make him any anſwer, becauſe his ſpeeches, from their extraordinary ſtyle, and the peculiarly violent tone of warmth and of paſſion with which they were generally delivered, ſeldom failed to give that impreſſion, which thoſe to whom they were directed wiſhed them to give; but when the acts of the Houſe were called in queſtion, and a Bill avowedly founded on principles which the Houſe had ſanctioned, by voting them, after much diſcuſſion and debate, in the form of diſtinct Reſolutions, were ſaid to amount to the *outlawing*, *excommunicating*, and *attainting* the whole Houſe of Brunſwick; and the Houſe was told diſtinctly and unequivocally, that they were proceeding *to act* TREASONS, for which, at a future day, it would be overtaken by the juſtice of their country, and brought to trial, he did hope that the Houſe would interpoſe its authority; and when ſuch a violent breach, not only of order, but of common decency, was committed, that it would oblige Gentlemen to reſtrain their violence, and not, under the pretence of paſſion, ſuffer themſelves to be betrayed into into ſuch irregular, diſorderly, and unſeeming conduct.

Mr. *Gammon* roſe likewiſe declaredly to ſpeak to Order, but proceeding to mention that the Right Hon. Gentleman had taken the liberty of alluding to an expreſſion made in another Houſe of Parliament by a noble Duke, to whom he had the honour to be related——he was interrupted by Mr. SPEAKER, who informed the Hon. Gentleman, that if he roſe to object to any particular part of the Right Hon. Gentleman's ſpeech, he ſhould have interrupted him, and made his objection, when the expreſſion that he meant to call in queſtion had fallen from him. Mr. Gammon.

Mr. *Burke* roſe again, and ſaid, whenever he uſed any words that were diſorderly, he preſumed thoſe who thought proper to call him to Order would ſtate what the diſorderly words were, as well to convince the Houſe that he had been diſorderly, as to enable him to explain his meaning in a regular manner. With regard to the charge of paſſion, which the Right Hon. Gentleman had imputed to him, he confeſſed that he had expreſſed himſelf with warmth, originating from a deep conſideration of the great importance of the ſubject, and not from any cenſurable imbecility Mr. Burke.

of temper; ſo far from it, it would have been cenſurable in him, or any man poſſeſſed of common feeling, to have reſtrained from that indication of warmth and paſſion that he had betrayed, when talking of a Bill, from the proviſions of which the whole Houſe of Brunſwick were expreſsly excluded. When he ſaw that under a pretence of providing for Government, there was a proviſion made for tumult, diſorder, and debility in that Government, he felt as a man, conſcious of the fatal effects of ſuch conſequences, muſt feel, and ſpoke warmly and paſſionately upon the ſubject, but that warmth and that paſſion aroſe from a due ſenſe of the dreadful tendency of ſuch a proviſion; and when ought he to ſpeak of it but when they were in the action and in the practice of that very game of ambition of which he had complained, and to which he imputed all the ſerious and fatal conſequences that he had ſtated? In conſidering the manner in which that game of ambition was propoſed to be played, and the meaſures that were reſorted to, in order to render it ſucceſsful, and to ſecure that ſucceſs, was he not to look to the views, intentions, and deſigns of thoſe, whoſe object it was to win the game; eſpecially when thoſe meaſures were, to the laſt degree, dear to the Conſtitution, and obviouſly tended to aggrandize certain individuals, to the deſtruction of the government of the Country? If by the ſort of ſpeeches he uſually made, the ſtyle of his argument, and the warmth of his delivery, he ſerved the purpoſes of the Right Hon. Gentleman, Mr. Burke ſaid, the Right Hon. Gentleman ought to be much obliged to him. Sure he was, that he did not mean that what he ſaid ſhould further the Right Hon. Gentleman's objects, and certain he likewiſe was, that the purpoſes of ambitious men were beſt ſerved by concealing all enquiry into their ſecret motives and intentions, and reſorting to general encomiums on their conduct. He ſhould contend, that in examining a Bill that tended to cauſe a total revolution of the ſplendour of this country, to ſeparate it from the executive government, and to give it to other and unknown perſons, he had a right to look to the private views and ſecret motives of thoſe who brought in ſuch a Bill. If he found the whole object of ſuch Bill, under pretence of a compliment to the King, was calculated to degrade the Royal Family, and merely to ſerve the purpoſes of ambitious men, he had an undoubted right to examine into,

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and queſtion the purity of the motives, deſigns, and intentions of its authors. Upon what principle, therefore, of propriety, or reaſon, or common ſenſe, had Gentlemen deemed an argument founded in ſuch a purpoſe, as he had explained, a fit ſubject for laughter? Such laughter, and ſo applied, was worſe than madneſs itſelf, and more horrible than the ſenſeleſs ravings of the unfortunate wretches who were chained to their cells. Mr. Burke urged this argument, declaring that he had not raſhly nor weakly ſuffered his reaſoning on ſuch a ſubject to hurry him into warmth, but contended that nothing he had ſaid was deſerving of laughter or ridicule. When the Houſe had got into a Committee, Mr. Burke ſaid, he ſhould, he hoped, ſhew that he was able to ſpeak with temper, and prove, to the conviction of prejudice itſelf, that the arguments he had, before he was interrupted, only looſely and generally thrown out, were founded in truth and ſerioufneſs, and well worthy the ſolemn attention of every man in the country: at preſent he would only ſhew the effects of the Bill collaterally. Mr. Burke then proceeded to touch on ſome of the proviſions in the Bill, which were, he ſaid, ſo far new to the Houſe, that they had neither been expreſſed in any of the Reſolutions, nor opened or ſtated in debate. One of the firſt points of this ſort that he had alluded to was the Privy Purſe of his Majeſty, which, from 36,000l. a year, had been encreaſed firſt to 48,000l. and had at length ſwelled up to 60,000l. a year. That, of which they had hitherto heard nothing, was by the Bill to be withheld from the Prince of Wales, who was to have no Privy Purſe; ſo that by the Bill they would ſeparate from him the table, honour and hoſpitality belonging to Royalty, and were going, for what they knew, to create a fund for bribing Members of Parliament, by entruſting the Queen with the care and application of ſuch an enormous ſum of money. They gave ſuch a large ſum not for what the King would have done, were he well, and in health, but for her Majeſty's *gueſſing* what the King would have wiſhed to have done, were he well; while the Prince of Wales, as Regent, was neither ſuffered to act liberally for himſelf, nor to think what his Royal Father would have had done. They had, Mr. Burke ſaid, heard of the Queen's girdle, the Queen's ſhoes, the Queen's mantle, and other parts of her perſonal attire, as heads of expence under the Civil Liſt; but they had never be-

fore heard of the Queen's having an enormous ſum allowed her for *gueſſing* what the King would have done, had he not been inſane. Mr. Burke conſidered this part of the Bill's probable operation in a variety of views. The Queen might, he ſaid, be regarded as the King's truſtee for accumulation, or his truſtee for diſtributing it, to nobody knows who. The ſum might be given away in penſions to ſupport the faction, and in bribes to the Members of that Houſe. The Privy Purſe in his Majeſty's hands had been reſponſibly placed; according to the Bill it was to be entruſted where there was no reſponſibility whatever; and if the Bill ſhould paſs that Houſe, it would manifeſt that they were reſolved not to abate a ſhilling of the money, about the very diſpoſition of which they did not know, nor expreſs any deſire to know a ſyllable.

After dwelling on this object of the Bill for ſome time, Mr. Burke adverted to that part of it which comprehended the proviſions for the care of the King's perſon, from which the Prince of Wales, he obſerved, was expreſsly excluded. Perhaps, he ſaid, that excluſion was proper; but why was the Duke of York, and the Dukes of Cumberland, of Glouceſter, and the reſt of the Royal Family excluded? Was he to be laughed at for ſaying, that ſuch a general excluſion, upon the face of it, appeared as if the whole Houſe of Brunſwick were outlawed, excommunicated, and attainted of High Treaſon? Had the reſt of the family no intereſt in the preſervation of the King's perſon? Had they expreſſed that they had no wiſh for his recovery? His Majeſty's perſon, and his Majeſty's money, what ſecurity was there for either? The language of the Bill clearly was, "Oh! keep the Prince from both, and let them lie at the mercy and the will of the kites and the crows of the air!" There ſeemed to be no other diſqualification for coming near the Royal perſon, and having any ſhare in the care and guardianſhip of the perſonal property of the King, but the having ſprung from his Royal loins. His Majeſty's money and jewels ſeemed to be made the conſideration of three objects; firſt to conſider what they were, next where they were, and laſtly in whoſe hands they were to be intruſted; and in the latter conſideration the Duke of York, the King's affectionate and dutiful ſon, his loving brothers, the Dukes of Glouceſter and Cumberland, and his other ſons, Prince William Henry and Prince Edward, were expreſsly excluded,

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and deemed unworthy of any ſhare in that truſt, in which they had undoubtedly the firſt intereſt and the deepeſt concern. How did they know but ſo large a ſum as the amount of the King's Privy Purſe, (which his Majeſty, had he been ſane, might have conſented to reduce to its former amount, in alleviation of his overburthened Civil Liſt, and to prevent its being again brought to Parliament for an additional increaſe) was intended to be given to jobbers and monied men, to bribe them to adhere to the faction ſet up in oppoſition, and as a place of arms againſt the executive government? Was he then to be laughed at for ſaying, that, by the Bill, the Houſe of Brunſwick were excluded, proſcribed, and attainted?

The next part of the Bill that ſtruck him as moſt extraordinary and highly objectionable, was that clauſe which gave the Queen's Council the power to pronounce his Majeſty recovered, and reſtore his Majeſty to his Government. An exclamation of *hear! hear!* coming from the other ſide of the Houſe, Mr. Burke ſaid, Gentlemen acted wiſely in endeavouring to prevent what would follow from being heard, but he would repeat the expreſſion. The powers given to the Queen's Council to pronounce his Majeſty recovered, and reſtore him to the exerciſe of his Royal Authority, were moſt extraordinary. The clauſe did not even ſpecify of what number of the Queen's Council, thoſe gifted with ſo extraordinary power, were to conſiſt; that was to be provided for by the filling up of a blank. He reſted much remark on this circumſtance, and ſaid, that Parliament had been deemed competent to dethrone a Sovereign, but when they came to the return of a King to the exerciſe of his Royal functions, the whole power was given to a Council, to conſiſt of nobody knew who. Mr. Burke declared, he would for the preſent touch but on ſome few of the heads of that Monſter, and that as ſhortly as poſſible. They had declared the King incapable of exerciſing his Royal Authority, after a full and ſolemn examination of his Majeſty's Phyſicians; but whether he was to be deemed capable of reſuming the exerciſe of the Royal Authority, or not, was not to depend on any examination had by them. Before his Majeſty had been declared incapable by Parliament, and before they had acted on that declaration of incapacity, his Majeſty's Phyſicians had undergone four ſeparate, ſolemn, and ſcru-

pulous examinations; one before the Privy Council, two before that Houſe, and one upon oath before the other Houſe. Thus Parliament had exerciſed all its own powers of inveſtigation, and ſuperadded thoſe of another of great authority. Why was there not to be at leaſt as ſcrupulous an examination of his Majeſty's health, when a motion of ſo much public importance, as his reſuming his authority, was to be decided? Out of perſonal delicacy and reſpect, the Houſe had proceeded carefully to examine into and aſcertain the fact of his Majeſty's incapacity, before they grounded any proceeding upon it; and was it leſs important, leſs neceſſary, when the queſtion was, whether the country was to be governed by a perſon in his ſenſes or not, that the fact ſhould be at leaſt as correctly aſcertained with reſpect to his Majeſty's recovery? As the Bill ſtood, until her Majeſty ſhould think fit to aſſert that the King was well, the people were not to know it. If the Council were miniſterial, and if his Majeſty were well enough to ſit in a chair at the head of that Council, the Bill provided that he ſhould be declared capable. Mr. Burke expatiated on this at ſome length; he ſaid, it was putting the whole power of changing the Government into the hands of Dr. Willis and his keepers; a perſon who had been inſane might, he contended, be ſo ſubdued by coercion and ſeverity, as to be capable of being prevailed on to act the farce appointed him, of appearing for a ſhort period to have recovered his intellects. He maintained the difficulty of getting a man to ſwear that a perſon who had loſt his underſtanding was reſtored, and in his ſenſes, compared with the eaſe of getting a man, from the conduct and converſation of another, to ſwear that he was out of his ſenſes. He urged the utter impoſſibility of bringing it to proof, whether a perſon who had been inſane was perfectly recovered or not. What was likely to be the natural conduct of a perſon ſo happily reſtored? Undoubtedly his firſt object would be to revive thoſe domeſtic feelings, deareſt to the human heart! Were the King to recover, and had it in his power, would he not, on the reſtoration of his intellects, firſt call his deareſt ſon, the Prince of Wales, into his preſence? Would he not next aſk for his next ſon, the Duke of York, and the reſt of the Royal Progeny? Did the Bill provide for this? No. The whole was to be done in a blind manner, in the dark, and in a way moſt liable to ſuſpicion,

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and to queſtion. The whole was a ſcheme under the pretence of pronouncing his Majeſty recovered, to bring back an inſane King. Thoſe who conceived that the proof of a man had recovered his underſtanding, was to depend on affidavits and entries, forgot that a ſound King naturally courted public inſpection, and was deſirous of being examined, and his recovery eſtabliſhed to the conviction of his ſubjects.

Mr. Burke reiterated his objections to the Bill, and laid great ſtreſs on that of the Houſe of Brunſwick being excluded from any ſhare of the guardianſhip of the King's perſon. He declared he did not ſuſpect the Queen of being capable of acting improperly, but as a public man, it was his duty to ſuſpect ſituations and temptations, that might pervert the pureſt mind, and draw it aſide from the ſtrait path of rectitude, and thus render her Majeſty the tool of ambitious men. He reprobated the Bill on account of its malevolent aſpect, in excluding the Houſe of Brunſwick, and for its malicious attempt to guard againſt evils from a quarter, whence none were expected to come, and laying a quarter open, whence they were moſt to be dreaded. The Houſe, he ſaid, had proceeded ſtep after ſtep, and been led on to do that, which if propoſed altogether, would, he was perſuaded, have been rejected by every man of honour. Like Macbeth, who after having murdered Duncan and Banquo, exclaimed

I am in blood
Stept in ſo far, that, ſhould I wade no more,
Returning were as tedious as go o'er,

they found themſelves inclined to proceed from not daring to trace back their ſteps. Mr. Burke ſaid, he had thought it neceſſary to throw out this preliminary ſeries of looſe remarks, not doubting but if they were coolly and ſeriouſly attended to, they would call forth thoſe of men of greater abilities than himſelf, and like the man who firſt raiſed a ſpark, he ſhould ſee that ſpark kindle into a flame hereafter. He added ſome further general remarks on the Bill, and declared, that he had done what he intended, namely, laid open *briefly* the proviſions of the Bill, that he ſhould be authorized hereafter to compare thoſe proviſions with the declared principles on which the Bill had been ordered to be brought in, and to compare thoſe principles back again with the Proviſions,

and

and he did not doubt, but ſooner or later, Gentlemen would feel in their own breaſts as he felt. Before he ſat down, Mr. Burke took notice of a charge, that he ſaid, had been brought againſt him of having attacked a noble Duke for declaring in the other Houſe, that the Miniſter was an heaven-born Miniſter. He had heard, through the public, that ſuch an expreſſion had been made uſe of in the other Houſe of Parliament, but he had not been preſent at the time, or in the place himſelf. A Miniſter who was heaven-born, certainly might plead a divine right, and to a divine right, he ſaid, he always ſhould bow; they had, before this, heard of heaven-born Monarchs; and an heaven-born Miniſter, he was perſuaded, was ſoon likely to become an heaven-born Monarch.

Mr. Gammon. Mr. *Gammon* roſe as ſoon as Mr. Burke had concluded, and entered upon a defence of the noble Duke, to whom he had before alluded. Mr. Gammon ſaid, his noble relation [the Duke of Chandos] in the courſe of debate had adverted to an expreſſion of a noble Earl, the father of the Right Hon. Gentleman below him, who, once ſpeaking of Lord Clive, had termed him an heaven-born General; and had ſaid, that when the flouriſhing ſtate to which the Right Honourable Gentleman had reſtored the revenue, reſources, and commerce of the country, were conſidered, he thought, the term of an heaven-born Miniſter was as fairly applicable to him, as an heaven-born General had been to Lord Clive. Mr. Gammon ſaid, he had ever conſidered it to be diſorderly and irregular to found any argument in that Houſe upon what had paſſed in debate in the other Houſe of Parliament; but as the Right Hon. Gentleman ſeemed to intimate his intention to reſume his reference to the expreſſion of his noble relation in the Committee, he begged leave to enter his claim to make a reply, whenever the ſubject ſhould be reſumed. Mr. Gammon ſaid, he had not yet had an opportunity of reading the Bill, and therefore would not be led into its diſcuſſion.

Mr. Burke. Mr. *Burke* ſaid, the Hon. Gentleman had miſtaken him. He had intimated no intention again to animadvert on the Noble Duke's expreſſion, but had merely attempted to ſtate the inference and deduction, that he thought might fairly be drawn from that expreſſion.

The

The Queſtion was then put, and the Bill read a ſecond time. The Bill was then ordered to be committed to a Committee of the whole Houſe next day.

Mr. *Burke* ſaid, as the firſt Clauſes, though liable to ſome objections, were not liable to as weighty objections as the latter Clauſes, which contained new matter, he thought it would be moſt adviſeable to proceed no farther in the Committee next day, than through the early Clauſes. Mr. Burke.

The *Chancellor of the Exchequer* ſaid, it would be impoſſible to decide before-hand upon what extent they ſhould proceed to. When they were in the Committee, they would be beſt able to decide by the length of the diſcuſſion that they would find themſelves engaged in. Mr. Pitt.

Mr. *Burke* ſubmitted to the force of this obſervation, and the Houſe immediately adjourned.

Saturday, February 7th.

ASSERTION OF ALDERMAN SAWBRIDGE.

Mr. Alderman *Sawbridge* roſe, and ſaid, that on a former day, he underſtood, one of the Members for Devon had called in queſtion his aſſertion in another place, that the Devonſhire Addreſs had been fabricated in Downing Street. Mr. Sawbridge ſaid, it was not his character or his cuſtom to ſport wantonly with matters of fact; he had heard what he had aſſerted from a quarter too reſpectable to be queſtioned, and he took that opportunity of declaring, that he firmly believed the fact. Mr. Sawbridge.

Mr. *Rolle* ſaid, the Hon. Gentleman might aſſert what he pleaſed in the Common Council, or elſewhere, but the fact was, that he neither had directly nor indirectly communicated on the ſubject of the Devonſhire Addreſs with the Right Hon. Gentleman. He ſhould be deſervedly held the meaneſt of individuals if he went down to his Conſtituents as the emiſſary of any Miniſter; he never ſaw the Addreſs till he ſaw it in Devonſhire, and when he ſaw it, it was in the preſence of many of his Conſtituents. Mr. Rolle.

Mr. *Sawbridge*

Mr. *Sawbridge* not anſwering,

Mr. Rolle. Mr. *Rolle* ſaid, he would meet the Hon. Gentleman on any ground in juſtification of his aſſertion.

Regency Bill.

Mr. Pitt. This converſation was interrupted by the *Chancellor of the Exchequer*, who moved the Order of the Day.

The order being read for the Houſe to reſolve itſelf into a Committee on the Bill, "To provide for his Majeſty's perſon, and "for the adminiſtration of the Royal Authority during his Ma. "jeſty's illneſs," the Speaker left the Chair, and Mr. Watſon took his ſeat at the table.

Sir Charles Gould. Sir *Charles Gould* propoſed to poſtpone the oath impoſed on the Regent.

This occaſioned a long and warm debate.

Mr. *Burke*, the *Chancellor of the Exchequer*, Lord *Maitland*, Colonel *Phipps*, Sir *Joſeph Mawbey*, Mr. *Sheridan*, and Mr. *Burton* took part in it.

On the Queſtion being put, the Oath was carried.

The buſineſs began with the poſtponement of the Preamble as uſual.

Mr. Burke. After which Mr. *Burke* objected to the words "Limitations and Reſtrictions" in the firſt clauſe. The objection was over ruled.

Uniformity Clause.

As ſoon as the Chairman had read the following Clauſe,

"And be it enacted by the authority aforeſaid, that nothing in this Act contained ſhall extend, or be conſtrued to extend, to impower the ſaid Regent, in the name, and in the behalf of his Majeſty, to give the Royal Aſſent to any Bill or Bills in Parliament, for repealing, changing, or in any reſpect varying the order and courſe of ſucceſſion to the Crown of this Realm, as the ſame ſtands now eſtabliſhed in the illuſtrious Houſe of Hanover, by an Act, paſſed in the twelfth year of the reign of King William the Third, intituled, "An Act for the further limitation of the "Crown, and better ſecuring the rights and liberties of the ſub-

"ject;"

"ject;" or to any Act for repealing or altering the Act, made in the thirteenth year of the reign of King Charles the Second, intituled, 'An Act for the Uniformity of public prayers and administration of ſacraments, and other rites and ceremonies, and for eſtabliſhing the form of making, ordaining, and conſecrating Biſhops, Prieſts, and Deacons, in the Church of England;" or the Act of the year of the reign of Queen Anne, made in Scotland, intituled, "An Act for ſecuring the Proteſtant Religion, and Preſbyterian Church Government."

Lord *North* roſe, not, he ſaid, to oppoſe this Clauſe, which had been inſerted in all Regency Bills, but to obſerve that this Clauſe was uniformly preſerved, to mark the ſanctity of the Statutes alluded to, and to ſhew that they could not be repealed, without a preliminary conſideration of the ſubject in Parliament, which muſt paſs on a ſpecial Bill to repeal this part of the Bill then under conſideration, before it could repeal the acts it recognized. His Lordſhip commended this additional difficulty thrown in the way of an alteration of the ritual of the Church of England, and declared it had his entire approbation. Ld. North.

Mr. *Beaufoy* deſired to underſtand fairly, what was the object and extent of the clauſe under conſideration. If, as the noble Lord ſaid, it was not binding upon the Regent, ſo as to prevent him from at any time giving his aſſent to a Bill that might hereafter be brought in for the purpoſe of taking off the diſqualifications impoſed at preſent on Proteſtant Diſſenters, and was merely meant as a freſh proof of the ſanctity of the Statutes in ſupport of the uniformity of the Church of England Ritual, he ſhould have no objection; but if, on the other hand, it was underſtood to be binding on the Regent, and that under the idea of the ſanctity of the law, as it ſtood, the Regent was precluded from given his aſſent to any Bill to relieve Proteſtant Diſſenters from being, in conſequence of their religious opinions, ſubject to diſqualifications for civil offices, he ſhould have many and ſtrong arguments to urge againſt it, becauſe he thought it extremely improper to do that collaterally, which if done at all, ought to be done directly and diſtinctly. Mr. Beaufoy avowed, that he ſpoke on behalf of the Proteſtant Diſſenters, who had applied to Parliament for relief from the Teſt Act two years ago, and who were ſo thoroughly convinced Mr. Beaufoy.

vinced of the Juſtice of their claim on the candour of Parliament, that they were ſtill of the opinion, that they then entertained, and meant again to appeal to their deliberate judgment, and reſumed conſideration.

Sir A. Macdonald. The *Attorney General* ſtated, that the Clauſe did not go to the extent that his Hon. Friend ſeemed to entertain an apprehenſion of: it only threw this difficulty in the way of a repeal of the Teſt Act. It obliged Parliament, before it proceeded to the repeal of that Act, to reconſider the ſubject thoroughly, and to have the preſent Bill before its eyes. It could, Mr. Attorney ſaid, have no other meaning than to make it imperative on Parliament, to take all the Statutes that referred to the ſubject into their conſideration, whenever Parliament thought proper to alter the Act of Uniformity, but it regarded the uniformity of the church of England only.

Mr. Pitt. The *Chancellor of the Exchequer* corroborated what the Attorney General had ſaid, and explained the diſtinct view of the Uniformity Act, which related to the Ritual of the church of England, and the ceremony of prayer, ſacrament, &c. of that church merely. The Chancellor of the Exchequer ſaid, nothing contained in the clauſe in queſtion would either directly or collaterally preclude the Proteſtant Diſſenters from appealing to Parliament again, when ever they thought proper. When that reſpectable deſcription of perſons laſt applied for relief from the Teſt Act, he had ſtated his ſentiments on the ſubject fully and fairly, and although he had not ſince heard any thing that had weighed ſufficiently with his mind, to make him alter his opinion, he agreed with his Honourable Friend, who ſpoke laſt but one, that whatever was done, reſpecting ſo important a conſideration, ought not to be done collaterally. He was willing that the queſtion ſhould be diſcuſſed fairly, and diſcuſſed upon its own merits, independent of any other circumſtance. With regard to the clauſe itſelf, he took the opportunity of informing the Committee, that the particular clauſe in queſtion as well as ſeveral others in the Bill, were inſerted as mere matter of form; not as alluſive to the preſent times or any peculiar circumſtance of the preſent times, but becauſe they ſtood in other Regency Bills, and were proviſions, which our anceſtors thought it neceſſary to make, by

way,

way, perhaps, of ſhewing a degree of ſuperfluous caution on a ſubject, on which it was their duty to provide every guard and ſecurity that human prudence could invent.

The Clauſe was read and agreed to.

MARRIAGE CLAUSE.

When the Committee came to the following Clauſe:

"Provided alſo, and be it enacted by the authority aforeſaid, that if his ſaid Royal Highneſs George Auguſtus Frederic, Prince of Wales, ſhould not continue to be reſident in Great Britain, or ſhall at any time marry a Papiſt, then, and in every ſuch caſe, all the powers and authorities veſted in his ſaid Royal Highneſs, by virtue of this Act, ſhall ceaſe and determine."

Mr. *Rolle* roſe, and began his ſpeech with deſiring leave to ſay on the preſent occaſion, in juſtice to the Right Hon. Gentleman, that with reſpect to what he had to offer, he had not had any communication whatever with him. In what he had to propoſe, he meant nothing perſonal or diſreſpectful, nothing injurious or hurtful to the feelings of any individual. He ſpoke from the regard he had to the principles of the Conſtitution, which were the bulwarks of our freedom, and out of veneration for the Houſe of Brunſwick and a wiſh to ſecure the Proteſtant ſucceſſion in that Houſe, becauſe that ſucceſſion would ſecure our liberty. For theſe reaſons, and with theſe views, and with thoſe views only, he thought it his duty on the preſent occaſion to propoſe an amendment to the Clauſe then under conſideration, and he imagined no friend to the Revolution, the Proteſtant ſucceſſion, and the Houſe of Brunſwick would diſagree with him, in wiſhing that the Clauſe in queſtion ſhould be ſo worded as to guard againſt the poſſibility of danger to the important objects to which he had alluded. Could he have brought himſelf to believe, that as the Clauſe ſtood at preſent, it was ſufficiently ſtrong, he would not have propoſed an amendment; or if any perſon would ſtep forward and confirm the declaration, ſolemnly made by a Right Hon. Gentleman not then preſent, in that Houſe two years ago, he ſhould be ſatisfied. That declaration had ſatisfied him at the time, nor did he mean to impeach its credibility, but, as doubts and ſcruples had nevertheleſs been ſtill entertained, without doors, he Mr. Rolle.

he wiſhed thoſe doubts and ſcruples to be effectually ſilenced, and that the queſtion might be ſet at reſt for ever. He might, he was aware, be a marked man hereafter for his conduct on this occaſion, but that was not a conſideration with him, when weighed againſt a ſenſe of his duty. He repeated it, that he meant no diſreſpect to any perſon, but ſpoke merely out of regard for the good of his country. With reſpect to the words of his amendment, Mr. Rolle declared he was not bigotted to them, any other words that might be propoſed, that would anſwer the ſame purpoſe, would equally pleaſe him; Mr. Rolle then moved to inſert, after the words, *or ſhall at any time marry a Papiſt*, theſe words: "or ſhall at any time be proved to be married, in fact or in law to a Papiſt."

Lord Belgrave.

As ſoon as Mr. Watſon, the Chairman, had read the Amendment, Lord *Belgrave* roſe, and declared himſelf extremely ſorry to differ from his Hon. Friend, whoſe great weight and reſpectability juſtly entitled him to every degree of reſpect and conſideration in that Houſe, but differing as he did, on this occaſion, with his Hon. Friend, he thought it proper to ſtate the reaſons of that difference of opinion. He underſtood, that at a former time, before he had the honour of a ſeat in that Houſe, when it was propoſed that an arrangement of the affairs of his Royal Highneſs the Prince of Wales ſhould be made, his Hon. Friend had riſen and declared, that he thought he could not act conſiſtently with duty to his conſtituents and his country, if before he voted for the arrangement propoſed, he did not deſire to know whether there was any truth in a rumour of a very extraordinary kind; and with this view, his Hon. Friend, he underſtood had put the queſtion, whether there was any foundation for the report of an indiſſoluble union having taken place with a very amiable and reſpectable character, whoſe religious opinions differed from the religious opinions of the eſtabliſhed church of this country. A Right Hon. Gentleman, whoſe abſence that day, his Lordſhip ſaid, he moſt ſincerely lamented, and eſpecially the cauſe of it, had, on the occaſion referred to, riſen immediately and ſaid, in the moſt deciſive manner, that there was no truth whatever in the reports in queſtion, that they were libellous, and neither had nor could have any foundation. Conſidering the weight due to the aſſertion of any individual Member of that Houſe, and particularly to the aſſertion

tion of a Gentleman of the character and authority which belonged to the Right Hon. Gentleman in queſtion, he could not think that there exiſted any the ſmalleſt occaſion to diſcuſs the validity of ſuch a rumour over again, and therefore he deprecated any ſuch diſcuſſion, as not likely to anſwer any good purpoſe, and truſted that his Honourable Friend would withdraw his amendment.

Mr. Pitt. The *Chancellor of the Exchequer* agreed with the noble Lord, that the preſent was a Queſtion that did not require any length of Debate, though he gave his Hon. Friend behind him, full credit for the purity of his motives, and though he believed there could hardly be found a man in the Houſe, who did not feel that his Hon. Friend had, on the preſent occaſion, acted upon the moſt laudable principles; yet he muſt differ from him entirely, as to the neceſſity of any amendment to the Clauſe in queſtion. That Clauſe had been one of thoſe to which he had alluded, when ſpeaking of the Uniformity Clauſe, he had ſaid, ſeveral of the Clauſes of the Bill were mere Clauſes of form, and put in as a matter of courſe, without any eſpecial reference to the ſubject of the Bill. The fact was, they found them in former Regency Bills, and thought they ought not to ſhew a leſs cautious regard to the ſafety of the Conſtitution, than their Predeceſſors had deemed neceſſary. They felt, beſides, that leaving thoſe Clauſes out of the preſent Bill, was more likely to be a matter of remark, than letting them ſtand as uſual. Not feeling, therefore, any ground for departing from theſe proviſions of their Anceſtors, they had made them a part of the Bill; but for thoſe reaſons only, which he had explained, and not from any idea that they were more applicable to the preſent caſe, than to any former one. With regard to what his noble Friend had alluded to, the Chancellor of the Exchequer ſaid, he wiſhed not to advert to any thing which had formerly paſſed in that Houſe, becauſe that could have nothing to do with the preſent Bill, and he did not wiſh to go a ſtep farther than the neceſſity of the caſe required.

Sir William Dolben. Sir *William Dolben* began with declaring it to be his opinion, that his Honourable Friend had been actuated by the pureſt motives in propoſing his amendment. He was perfectly convinced, that his Honourable Friend had thought the amendment neceſſary,

or he would not have moved it; he believed his Hon. Friend had conceived, that the words he propoſed to inſert were neceſſary, merely to quiet and ſet at reſt the doubts that had been entertained, not by the vulgar and the mean, but by great lawyers, and many learned men. Such doubts ought to be done away; but he did not wiſh that the amendment ſhould be excepted, if any learned Gentleman would riſe and ſay, that the Clauſe, as it ſtood, was ſufficiently ſtrong to guard againſt evaſion, and ſecure the Church and State from any difficulties and dangers that might be brought on it, by ſuch a circumſtance as that taking place, to guard againſt which, his Hon. Friend had propoſed his amendment.

Sir A. Macdonald.

The *Attorney General* ſaid, it was difficult to anſwer the Queſtion of the Hon. Baronet directly and ſatisfactorily, becauſe let Acts of Parliament be drawn up in ever ſo ſtrong a manner, and with all the precautions that human prudence, foreſight and ingenuity could deviſe, it was impoſſible to ſay, means might not be found to evade them; but that the ſecurity given by the preſent Bill was the ſame as had been given in former times, and it had been deemed ſufficient by our anceſtors. The Hon. Baronet had talked of Rumours, but though Rumours might cauſe enquiry, Rumours could not be made a ground for that Houſe to legiſlate upon. With regard to the particular Rumour in queſtion, he knew not, nor had he heard of any thing that could warrant or induce him to believe it to have any foundation. Sure he was, there was nothing before that Houſe, which could make it neceſſary for them to alter the Clauſe of the Bill then under conſideration, and, as far as experience proved, that Houſe never had proceeded to legiſlate upon matter of Rumour.

Mr. Welbore Ellis.

Mr. *Welbore Ellis* ſaid, he really did not underſtand, what the Hon. Gentleman meant by a marriage in fact or in law; but the Hon. Gentleman ſeemed to have forgot that there exiſted an Act of Parliament, which expreſsly declared, that his Royal Highneſs could not contract a marriage with any perſon, without his Majeſty's conſent, ſignified under his ſign manual; that Act of Parliament was a full and ſufficient anſwer to every thing that had been, or could be ſaid on the ſubject. Mr. Ellis deſired, that the 12th of George III. might be read.

Mr.

Mr. Hatſell accordingly read that clauſe of the Royal Marriage Act which provides, that previous to the marriage of the deſcendents of George the Second taking place lawfully, his Majeſty's conſent to ſuch marriage muſt be firſt obtained, and ſignified under his ſign manual; which conſent muſt have the ſanction of the Great Seal; and that all marriages contracted without the royal conſent being ſo formally ſignified, were declared to be null and void, and of no effect whatever.

Mr. *Ellis* repeated, that the Act of Parliament ought to be the only anſwer given, whenever a doubt was ſtarted, whether the Prince of Wales was married in fact or in law. Mr. Ellis.

Mr. *Rolle* deſired, that the Preamble to that Statute might be read; which having been read accordingly, Mr. Rolle ſaid, he could not pretend to pronounce upon it, but he had heard it to be the opinion of ſome of the firſt lawyers of this country, that nothing contained in the Act of Parliament, juſt referred to, altered or affected the Clauſe in the Act of William and Mary, which enacted and declared, that any Heir to the Crown, who married a Papiſt, forfeited his right to the Crown. Mr. Rolle ſaid, he did not wiſh to preſs any thing upon the Houſe that was diſagreeable to them, and therefore he would not divide the Committee; he was conſcious of having done his duty in having moved the Amendment. Mr. Rolle.

Juſt as the queſtion was about to be put, Lord *North* roſe, and ſaid, in anſwer to thoſe Gentlemen who talked of danger ariſing to Church and State, by peruſing the Act that had been juſt read, it would appear that no marriage *could* be contracted of the kind, reſpecting which they appeared to have ſuch wonderful apprehenſions, and therefore no danger could ariſe to Church and State in the manner apprehended. It had of late, his Lordſhip obſerved, been the conduct of the two Houſes of Parliament to aſſume the power of making laws; as, therefore, the proceeding to legiſlate by two branches of the Legiſlature might be queſtioned, perhaps ſome Gentlemen might be diſpoſed to challenge the validity of an Act of Parliament paſſed legally and conſtitutionally by the three branches of the Legiſlature; and thence, perhaps, the queſtion of the Hon. Gentleman who ſpoke laſt. In anſwer to all ſuch, he would only ſay, that if it were a queſtion, whether an Act of Par- Lord North.

liament, regularly paſſed under all the due forms, with the joint concurrence of the King, Lords, and Commons, had the force of law? that queſtion could not exiſt a ſingle moment, without ſuppoſing, that all the bonds of the political Society which made their Conſtitution, were diſſolved, and that they were reduced to a ſtate of nature. The Act was in full force, and ſo it would remain, unleſs regularly repealed by ſome ſubſequent Statute. With regard to the Hon. Gentleman's motives for introducing a diſcuſſion that could have no effect, but only tended to make the Acts of the Legiſlature doubtful, and to raiſe idle and miſchievous alarms throughout the country, he would not take upon him to pronounce what thoſe motives were; they might be good, they might be bad; certain he was, be the motives either one or the other, the agitation of queſtions of the ſort, which the Hon. Gentleman had ſtarted, could anſwer no wholeſome purpoſe. The Hon. Gentleman, however, had declared, he would withdraw his Motion without dividing the Houſe. He thought the Honourable Gentleman perfectly wiſe in ſo reſolving, becauſe, if the Hon. Gentleman had been raſh enough to divide the Committee, he did not believe there would have been a ſingle perſon to have divided with him. The Hon. Gentleman, therefore, muſt have given over all thoughts of having *tellers*. His Lordſhip puſhed this raillery to ſome extent, and repeated his arguments in reſpect to the validity of the Royal Marriage Act.

Mr. Pitt. Mr. *Rolle* and the *Chancellor of the Exchequer* roſe together, but the latter perſiſted in keeping on his legs, and obtained a hearing. He began with hoping his Hon. Friend would pardon him, if he ſaid a very few words; but the manner in which the Noble Lord had choſen to deliver himſelf was ſo extraordinary, that he could not help expreſſing his ſurprize, that when the queſtion had taken the turn, that every friend to that union and quiet which the Noble Lord had contended for, and which every Gentleman muſt have anxiouſly wiſhed it ſhould take, the Noble Lord ſhould have thought it either neceſſary or proper to endeavour to create that diviſion of ſentiment, which it ſeemed to be the wiſh of the reſt of the Committee to avoid. The Noble Lord had expreſſed himſelf in ſo taunting a manner to his Hon. Friend, that he ſeemed determined if it were poſſible to riſque the danger of effecting an appear-

appearance of diſunion, and of provoking his Hon. Friend to inſiſt on that diviſion, which he had handſomely declared he was willing to decline. The Noble Lord, with a degree of contemptuous and inſulting raillery, had ſaid, that his Hon. Friend's motives *might* be good. The Noble Lord, therefore, ſeemed to doubt them. The Noble Lord had as little right to doubt the motives of his Hon. Friend, as he had to doubt the motives of any one man in that Houſe. The Noble Lord had thought proper to treat the ſubject with a degree of levity and of ridicule by no means ſuitable to its gravity and importance; and ſo hoſtile was the Noble Lord's temper, that he could not agree with them in attempting to avoid a diſagreeable diſcuſſion, that for a variety of reaſons had better not have been gone into. But luckily the hoſtility of the Noble Lord's temper was ſo harmleſs, that it could not rouſe them to a vigorous defence; nothing could induce them to depart from the line they had taken, and to which they were determined to adhere. He would not, he declared, go into the diſcuſſion any more than he had done before; it was ſufficient for him to ſay, that he took the whole of the caſe, together with the various laws that had paſſed, and all the circumſtances of the declaration formerly made in that Houſe, and putting theſe into the ſcale, they were enough to make him be of opinion, that there was no ſufficient reaſon for the Committee to think the clauſe, put into former Regency Bills by their anceſtors, was not a ſufficient ſecurity againſt every danger that could reaſonably be apprehended.

Lord *North* and Mr. *Sheridan* roſe together, but as ſoon as the latter ſaw that the Noble Lord was up, he ſat down. After having been ſo very ſeverely reprimanded, his Lordſhip ſaid, he apprehended the Committee would indulge him with endeavouring to defend himſelf for a very few minutes: deficient as he undoubtedly in many reſpects was, to many Hon. Gentlemen in that Houſe, there was one point in which he would not give way to any man. He appealed to thoſe who had ſat with him for many years in Parliament, whether he had ever been conſidered as an uncandid man, or a man of a very quarrelſome diſpoſition? He had not diſputed the Hon. Gentleman's motives, he had only ſaid, the agitation of the queſtions ſtarted by the Hon. Gentleman might do miſchief, and could not be attended with any good

Lord North.

conſequences. He thought ſo ſtill. The Right Hon. Gentleman had ſaid, he wanted to provoke the Houſe to a diviſion. His Lordſhip declared he wiſhed for no ſuch thing. If there was a diviſion, he probably ſhould divide with the Right Honourable Gentleman, and he ſeldom had that honour; and as the Right Honourable Gentleman generally divided according to the ancient maxim, *divide et impera*, he ſhould not only divide with him, but command the object he divided for. If, therefore, he had been anxious to divide with the Right Hon. Gentleman, on that account ſurely a little anxiety might have been pardoned. When the Hon. Gentleman who moved the Amendment, had ſaid, he would not divide, he had ſaid he was glad of it. Where was the harm of that? With regard to going into ſubjects foreign to the purpoſe, he could not admit the charge; leaſt of all could he admit that it ought to come from a quarter, where the diſcuſſion of a dangerous doctrine totally unneceſſary to be agitated, had been inſiſted upon ſo peremptorily, that although the doctrine had never been queſtioned, Gentlemen were not ſuffered to ſleep before they decided it. The doctrine of the Hon. Gentleman over the way, who queſtioned the validity of an Act of Parliament regularly paſſed, under all its forms, by the three branches of the Legiſlature, he muſt take leave to ſay, was of ten thouſand times the importance of the doctrine of the Prince's Right. Was he to be reprimanded, if he mentioned, that he thought the diſcuſſion of it dangerous? If a Right Honourable Gentleman, on a ſmaller occaſion, wiſhed to ſettle the minds of men, might not he, on ſo great an occaſion, wiſh to ſettle their minds alſo? His Lordſhip added other arguments in juſtification of his former ſpeech, contending that it could not fairly be inferred from any part of what he had ſaid, that he was a man much diſpoſed to quarrel. He owned he had ſpoken with a little warmth, but with much leſs than the Right Honourable Gentleman often uſed, and with more candour than the Right Honourable Gentleman ever exhibited.

Mr. Rolle. Mr. *Rolle* ſaid, in bringing forward the diſcuſſion, he only meant to guard the Proteſtant Religion in this Country from danger; that he was conſcious of having done his duty, and ſo far was he, when he was ſatisfied in his conſcience that he was right,

righ, from being afraid from perſevering and maintaining a point that he had once ſtarted, that he would perſiſt, if he ſtood ſingle, and all the Houſe was againſt him. On the preſent occaſion, it mattered not to him who liked, or who diſapproved of what he did; he would not withdraw his Motion, though he wiſhed not to divide the Committee.

Sir *William Dolben* ſaid, he could ſpeak in favour of the noble Lord's candour from many years experience; he had heard him attacked again and again without mercy, and had ſeen him bear the moſt ſevere revilings, and the moſt taunting reproaches, with unexampled patience and candour, though he had reſiſted them with great firmneſs. After giving the noble Lord his feeble ſupport for many years, he now ſaw the noble Lord acting in a different ſituation, and he might almoſt ſay of him, *Quantum mutatus ab illo, Hector?* With regard to the Clauſe in queſtion, if they were of opinion that the words of the Clauſe as they ſtood in the Bill were adequate to the purpoſe, he for one would have them ſtand; if not, he ſhould approve of an amendment; either that propoſed by his Hon. Friend, or another that might, in the general opinion of the Committee, be deemed more adequate; becauſe, as he had hinted before, doubts had ariſen, and that not in the minds of the mean and vulgar, but in the minds of grave and learned men, whether a deſcendant of George II. if he married a Papiſt, would not, agreeably to the Act of Settlement, forfeit his right to the Crown? Sir W. Dolben.

Mr. *Martin* ſaid, though he thought it unjuſt to incapacitate any man from holding a civil office for his religion, be it what it might, yet there was ſomething ſo repugnant to the principles of the Britiſh Conſtitution, in the principles of the Roman Catholic religion, that the moſt alarming conſequences were to be dreaded from an Heir Apparent to the Britiſh Crown marrying a Papiſt; and, therefore, if a diviſion had taken place, and no other Gentleman had divided with the Hon. Gentleman who moved the amendment, he would have divided with him. Mr. Martin.

Mr. *Sheridan* ſaid, he had leſs to ſay than when he firſt preſented himſelf to the Chairman, becauſe the noble Lord in the blue ribband had ſo ably and ſo completely anſwered his purpoſe of riſing at all. There was, undoubtedly, a diſpoſition on the Mr. Sheridan.

ſide of the Houſe on which he ſat, to treat the matter without much diſcuſſion, but he could not help thinking the Right Hon. Gentleman had endeavoured to raiſe a warm diſcuſſion, by imputing intentions which could not exiſt. The noble Lord in the blue ribband had treated the ſubject with that levity, which better became it, than the pompous ſolemnity it had been dreſſed up with by thoſe Hon. Gentlemen, who had ſaid, they had their doubts, but that they wiſhed them to be huſhed up. If any Gentleman ſeriouſly thought, that the matter, ſo darkly hinted at, had taken place, it was his duty to ſtate the ground why he thought ſo, to propoſe an enquiry, and to probe that enquiry to the bottom. With regard to the Hon. Gentleman's motives, continued Mr. Sheridan, "I plainly ſay, I doubt the Hon. Gentleman's motives, and I ſay ſo, becauſe I can judge only from a perſon's actions of the purity of his motives. I cannot pronounce them bad, becauſe I cannot poſſibly know what they are; but let us compare them with his conduct. The Hon. Gentleman ſays, he has his doubts; he does not ſtate why; he has Acts of Parliament conſulted, tending darkly to ſuſtain thoſe doubts. What motive can he have, but to give ſuſpicion wing, and diſſeminate alarm? Who has ſaid any thing in favour of thoſe doubts? It is true, a pamphlet has been written by an ingenious gentleman, the madneſs and folly of which are apparent in every page, and the whole drift of which betrays the author to be a bad citizen, becauſe, when he roundly aſſerts that he ſeriouſly believes the fact he refers to, to have taken place, and then reſorts to no means of bringing it to light, he inſinuates what he ought not to have inſinuated, without proceeding to eſtabliſh it by ſomething at leaſt, that bore the reſemblance of truth." The Honourable Gentleman over the way, Mr. Sheridan ſaid, had acted exactly in the ſame manner, and therefore they were entitled to doubt his motives. The Right Hon. Gentleman, it was plain, did not believe the fact in queſtion, or he would have been ready enough to adopt the amendment offered by the Honourable Gentleman. The Right Hon. Gentleman had ſurely dealt enough in Reſtrictions, providing againſt unneceſſary apprehenſions, not to be ſuſpected of being ready enough to propoſe further Reſtrictions, if he could urge a colourable pretence for ſo doing. If the Right Hon. Gen-

Gentleman really did entertain a ſuſpicion, a doubt, or a ſcruple upon the fact, it ought not to be huddled up, and left unexplained; in that caſe, the Right Hon. Gentleman ought to take it up, and ſay he thought it right for the country to take it up himſelf.

Mr. Pitt. The *Chancellor of the Exchequer* roſe again, to obſerve that the ſubject had been treated in a moſt ſingular manner. The Hon. Gentleman who ſpoke laſt, ſeemed willing to make him vote differently from him, which was impoſſible: but ſo anxious had the Hon. Gentleman appeared, to force him to go into a diſcuſſion, which he had declared it to be his wiſh and his determination to avoid, that he had never betrayed greater warmth in agitating the ſubject he had moſt at heart, viz. a perſonal attack upon him, than he had done in endeavouring to oblige him to betray an equal warmth of temper, and abandon that ground which he had already taken. The Chancellor of the Exchequer ſhortly re-ſtated the ſummary of his former argument, why he did not think any addition to the clauſe, as it ſtood in the Bill, neceſſary.

Mr. Rolle. Mr. *Rolle* obſerved, the the Hon. Gentleman had neither denied nor confirmed the declaration made by a Right Hon. Gentleman, two ſeſſions ago.

Mr. Courtenay. Mr. *Courtenay* began in an ironical ſtrain to beſtow unbounded panegyric on Mr. Rolle, by ſaying, that the purity of his motives, and the honeſt ardency of his zeal, were proved beyond a poſſibility of doubt, by the weakneſs, futility, and abſurdity of his arguments; for it was ſcarcely poſſible to conceive, that the Hon. Gentleman would introduce a motion of ſuch a tendency into the Houſe, unleſs he had really believed it was abſolutely neceſſary to preſerve the Proteſtant Religion, and to reſcue us from the impending danger of Popery. The Hon. Gentleman, truſting to his internal feelings, and the approbation of his conſcience alone, had diſdained to borrow the leaſt aſſiſtance from logic, or any ſpecies of reaſoning, in ſupport of his motion, and expoſed himſelf in all the artlets and naked ſimplicity of his underſtanding. And Hudibras juſtly obſerves that he who

To prove his zeal knocks out his brains,
The Devil's in him, if he feigns.

This

This was the ſecond time, Mr. Courtenay remarked, that the Hon. Gentleman had introduced this ſubject into the Houſe, as one peculiarly adapted to the tenderneſs, delicacy, and ſympathetick feelings, which always diſtinguiſhed him. His apprehenſions, though groundleſs, evinced his patriotic affections, and his regard to the true intereſt of his country; for if the Hon. Gentleman was ſo much alarmed without any real cauſe or foundation; what a generous ardour, what a noble impetuoſity, and affecting eloquence would he diſplay, to rouſe the paſſions, and touch the feeling of every heart, if that bulwark of our liberties, the Proteſtant Religion, was menaced with inevitable ruin, and it was decreed that Popery was to be once more triumphant. But, Mr. Courtenay ſaid, he hoped the nation had grown wiſe by experience; and as they had ſuffered ſo ſeverely by placing implicit confidence in impoſtors, that they would not ſuffer themſelves to be ſo eaſily duped at this moment, by malicious inſinuations, myſterious ſuggeſtions, or idle rumours. There were, he ſaid, always impoſtors anxiouſly watching to take advantage of the credulity of the people, and to derive fame or conſequence from their prejudices. Titus Oates was once the idol of his day, and worſhipped by the multitude; but his name was now juſtly conſigned to contempt and infamy, and was likely to remain ſo, till it was degraded from the eminent rank it now deſervedly held, by the ſuperior merit of another impoſtor of theſe times, who excelled that celebrated Doctor in every art that had characterized his political life. One member of the Houſe, Mr. Courtenay obſerved, ſeemed rather diſpoſed to ſupport the Hon. Gentleman's ſentiments. He too trembled for the Proteſtant religion. His apprehenſions reminded him of Jack's terrors in the Tale of the Tub, who complained to his brother Martin, "that the Church and State were in danger, for the Pope (as he was credibly informed) had been ſeen in a brandy ſhop in Wapping, and the whole city was thrown into the utmoſt conſternation." Mr. Courtenay concluded by ſaying, that he did not ſuſpect or inſinuate, that the Right Hon. Gentleman (Mr. Pitt) had either ſuggeſted or approved of his Hon. Friend's ſentiments. He only very handſomely vouched for the purity of his motives; the abſurdity of his

his arguments, and his miſchievous, though important efforts, he diſclaimed. By this ingenious logic, the clearneſs of the ſpring was proved by the foulneſs of the ſtream; and the impropriety, indecorum, and indelicacy of the Hon. Gentleman's alluſion, were amply compenſated by the purity of his motives, or the chaſtity of his ſentiments. The Right Hon. Gentleman apologized for his Hon. Friend, in the ſtyle and manner of the ſhew-man in Goldſmith's comedy, who admitted the awkward motions and uncouth geſtures of his dancing bear. However, ſays he, "May this be my poiſon, if my bear ever dances but to the very genteeleſt of tunes, *Water parted*, and the *Minuet in Ariadne*."

Mr. *Rolle* roſe as ſoon as Mr. Courtenay ſat down, and ſaid, not all that Hon. Gentleman's buffoonery ſhould drive him from his purpoſe, which was grave and ſerious, and ought to be gravely treated. Mr. Rolle.

Mr. *Grey* roſe, and ſaid, the only anſwer that could or ought to be made, was the ſhort anſwer of the Act of Parliament that had been read. Whether the Hon. Gentleman's motives were good or not, he would leave others to determine, but he did ſuſpect they were not good, becauſe they tended by their conſequence to involve the country in diſunion, alarm, and diſtruſt. Mr. Grey was proceeding with great warmth to enlarge upon the ill effects of the conſequences, which darkly inſinuated doubts and unexplained ſcruples, founded in rumours which he ſtated to be malicious, falſe, libellous, and calumnious to the Prince of Wales, when he was called to order by Mr. Grey.

Sir *William Moleſworth*, who ſaid, he could not ſit ſtill, and hear his Hon. Friend's motives called in queſtion, and a deſign to promote ſuch miſchievous conſequences imputed to him. He was one of the Hon. Gentleman's conſtituents; he knew the purity of his motives, and knew that it was the ſenſe of his conſtituents in general, that he had at all times faithfully diſcharged his duty in that Houſe, and was worthy of their confidence and eſteem—— Sir William Moleſworth

Mr. *Grey* interrupted Sir William Moleſworth, and ſaid, with increaſed warmth, that he would not be interrupted by any Gentleman, who, under pretence of calling him to Order, obliged him to ſit down without ſaying a ſyllable to Order himſelf. When he was out of Order, the Houſe, he truſted, would proceed regularly; Mr. Grey.

what-

whatever he might ſay that was diſorderly, the Houſe would order his words to be taken down, and would proceed to ground a cenſure upon thoſe words. To that cenſure he ſhould always bow with due reſpect, but he would not be deterred from diſcuſſing any queſtion before them, by any individual's riſing to call him to Order irregularly. Mr. Grey juſtified his queſtioning the motives of the Hon. Gentleman, by declaring, that he conceived it to be his undoubted right to trace every Hon. Gentleman's motives from his actions. He made no ſcruple, therefore, to ſay he did doubt the motives of the Hon. Gentleman who moved the Amendment, and the Right Hon. Gentleman who had effected to defire that no diſcuſſion might take place. Mr. Grey proceeded in language of ſtrong invective to reprobate the rumours alluded to as falſe, libellous, and calumniatory, tending to create in the minds of the public, at a moſt critical moment, ſuſpicions equally derogatory to the honour of his Royal Highneſs the Prince of Wales, and dangerous to the general welfare of the people, inaſmuch as they were likely to promote diſtruſt, diſſenſion, and diſunion.

Ald. Watſon. Mr. *Watſon*, Chairman of the Committee, ſaid he was extremely ſorry that a Queſtion of Order had ariſen, becauſe, though no man was more deſirous of doing his duty in that Houſe than he was, in any ſituation in which the Houſe might do him the honour to place him, perhaps there was not an Hon. Gentleman preſent leſs familiar with that intricate ſyſtem, the ſyſtem of Order. He did underſtand, however, that it was extremely diſorderly for any Member to impute meaſures to any Hon. Gentleman for his conduct in that Houſe, and therefore he was ſorry that he had ſuffered the Hon. Gentleman, who had ſpoken laſt, to proceed in the firſt inſtance, to impute improper motives to the Hon. Gentleman who moved the Amendment.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, the Chairman, he believed, had very correctly ſtated the fact as to the point of Order, with reſpect to the imputing motives to Members for their conduct in that Houſe. It certainly was diſorderly to impute motives to any Member of Parliament for his conduct; and it was obvious that it ought to be ſo, becauſe, if the practice were admitted, the freedom of debate, and of Parliamentary proceeding, would be undermined, and radically injured. Mr. Pitt proceeded to animadvert

vert on Mr. Grey's arguments; in the early part of his ſpeech, the Hon. Gentleman, he obſerved, had ſtated, that the only anſwer to any doubt or ſcruple that could be ſuggeſted, as to the fact ſo often hinted at in the debate, was the Act of Parliament that had been read; and yet no ſooner had the Hon Gentleman mentioned that as a ſufficient reply, than he had thought it proper to proceed at a conſiderable length to add other, and, as he ſhould conceive, much weaker argments, certainly arguments much more injurious to the cauſe he meant to defend. Mr. Pitt, with great ſolemnity, animadverted on Mr. Grey's intemperance, and ſaid, he was perſuaded, had the Hon. Gentleman left the ſubject where he found it, he would have acted more judiciouſly, and in a manner which would not, he was ſure, have left him ſo much cauſe of regret that he had ſpoken at all. Before he ſat down, the Chancellor of the Exchequer ſaid, he would repeat the ſubſtance of his former arguments, from which no intemperance of injudicious friends of his Royal Highneſs the Prince of Wales, no inapplicable argument, nor any ill-timed expreſſion of zeal, either real or pretended, ſhould induce him to depart. Mr. Pitt then diſtinctly declared, that it was a recollection of all the circumſtances of the caſe, of the laws that were in being, the declaration that had been ſolemnly made in that Houſe two ſeſſions ago, as well as what had paſſed that day, that induced him to declare, that he did not ſee any ground on which there ought to be a public enquiry, and therefore he was willing to abide by the Clauſe as it ſtood in the Bill, reſting upon the view, that he had ventured early in the converſation to take of the Bill, when he had ſtated his reaſons for ſo deciding in a ſort of temper, which he could not but conſider as much more becoming the nature of the ſubject than that which had been betrayed by the other ſide of the Houſe, and eſpecially by the Honourable Gentleman who ſpoke laſt, who, if he knew any thing on the caſe, by his declaration had confirmed, that whatever he ſaid was unneceſſary to be ſaid, and being declared with ſo much heat, was liable to ſome queſtion. Therefore it was, that he had, in the beginning of his ſpeech, declared, that the Hon. Gentleman, in a moment of reflection, would regret having taken any part in the converſation upon the clauſe.

Mr.

Mr. Rolle. Mr. *Rolle* ſaid, the aſſertion of the Hon. Gentleman who ſat down laſt but one, had, in ſome degree, confirmed the declaration of the Right Hon. Gentleman, who had two ſeſſions ago declared, that no ſuch event as that he meant to guard againſt, had taken place.

Mr. Dundas. Mr. *Dundas* apologized to the Houſe for having rather irregularly called for the queſtion, when the Hon. Gentleman ſat down the ſecond time, but he had entertained hopes that the Committee in general would, on motives of common prudence and delicacy, have concurred in putting an end to the diſcuſſion at that period; things ſince had, however, taken a very different turn, and arguments had been advanced that required ſome anſwer. When he heard that a recent Act of Parliament was the only reply fit to be given to queſtions of the deepeſt and moſt ſerious importance, he could not ſubmit that a matter of ſuch magnitude ſhould reſt on ſuch a point, nor would he agree that the effect of the Act of Settlement was virtually done away by a poſterior act, which did not ſpecifically repeal the Clauſe in a ſtatute, in which the Conſtitution and the Country were ſo deeply intereſted, as the Act of William and Mary which had been alluded to. As little was he willing to ſubmit, that the rumour alluded to, was a queſtion rather to be laughed at than argued. So to ſtate it, ſure he was, was paying a bad compliment to his Royal Highneſs the Prince of Wales, and reſting his cauſe on a weak and looſe foundation. He was ready to ſay, that he diſbelieved the rumour, for other, and, he conceived, for better reaſons. He lamented a thouſand and a thouſand times the abſence of the Right Hon. Gentleman who had made that declaration two ſeſſions ago, which had decided his opinion at the time, and had ſince continued to preſerve it fixed and unmoved. Moſt eſpecially did he regret the cauſe of that abſence; not that he meant to ſay, that he was pleaſed to ſee ſo able a political general as the Right Hon. Gentleman the leader of an adverſe party in that Houſe; he knew his abilities, his judgment, and his knowledge of political tactics, too well to wiſh to have him at the head of an oppoſing corps, though he had no ſcruple to ſay, he ſhould like at all times to ſee troops marſhalled and led on by an able and a ſkilful general; but he wiſhed for the

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Right Hon. Gentleman's preſence, becauſe he entertained ſo high an opinion of the Right Hon. Gentleman's ſincerity, that he was confident he would have come down to the Houſe, even at the riſque of his life, to have ſtated his ſentiments on the Motion of the Right Hon. Gentleman behind him, if any thing had occurred to have induced him to alter the opinion, that he entertained, when the ſubject had been brought under diſcuſſion on a former occaſion. On that opinion, ſolemnly delivered as it had been in that Houſe, Mr. Dundas ſaid, he perfectly relied; and therefore he was ready to ſay, he did not give the ſmalleſt credit to the rumours which had been ſo often referred to in the courſe of debate. The Hon. Gentlemen on the other ſide of the Houſe ſeemed anxious to provoke a diſcuſſion of the whole ſubject; he, for one, ſhould feel no delicacy in the world, but for a ſingle conſideration, and that was, becauſe *two* perſons muſt neceſſarily be made the objects of the diſcuſſion. With regard to one of the high and reſpectable perſonages alluded to, he certainly ſhould feel but little difficulty, although no man felt more reſpect for that exalted perſonage than himſelf; but with regard to the other amiable character, he confeſſed, when that ſex came into queſtion in that Houſe, he knew not how to agitate a ſubject of ſuch delicacy. He, therefore, wiſhed at all times to ſhut the door upon ſuch diſcuſſions. With regard to the Honourable Gentleman's argument, that he had a right to impute what motives he pleaſed to any Honourable Gentleman in that Houſe, ſurely the Honourable Gentleman was the laſt man living that ſhould uſe that ſpecies of reaſoning. Had the Hon. Gentleman forgot, that two Seſſions ago, when a Motion was agitated that did appear to be a queſtion perſonally connected with one of the Hon. Gentleman's relations, [Lord Tankerville] and the motives of agitating ſuch a queſtion was talked of, as unworthy a Member of Parliament, the Hon. Gentleman had taken fire on the occaſion, and in terms of uncommon warmth and indignation declared, that he deemed it diſorderly to impute any motives, other than good ones, to any Hon. Gentleman who brought forward any queſtion within thoſe walls. Mr. Dundas laid conſiderable ſtreſs on this fact, and concluded with hinting to Mr. Grey, that it would have ſhewn more prudence, and have better ſerved the cauſe, on the behalf of which he had exerciſed

his zeal, if he had reſtrained that zeal, and taken no part in the Debate of that day.

Mr. Grey. Mr. *Grey* roſe again, and ſaid, he did not mean, by making a ſpeech then, to lengthen the debate, he roſe merely to ſay, that ſo far from feeling what the two Right Hon. Gentlemen had ſaid, he muſt feel, on ſober reflection, ſome portion of regret for the manner in which he had delivered his ſentiments; he was, upon mature and cool reflection, ready to profeſs himſelf happy for having ſo delivered his ſentiments, ſince they had drawn from the two Right Hon. Gentlemen, expreſs declarations, that they neither of them believed any thing of the Reports ſo often alluded to in the courſe of the debate. Mr. Grey repeated his reprobation of thoſe reports as falſe, libellous, and calumnious. He admitted the juſtice of Mr. Dundas's remark relative to Mr. Fox, and aſſured the Committee, that it was due to the character of his Right Hon. Friend to declare, that no conſideration of health, or any other circumſtance, would have prevented his attendance in his place, if he had not, at that moment, been fully ſatisfied that what he had aſſerted on a former occaſion, was ſtrictly true. Had the caſe been otherwiſe, his Right Hon. Friend would undoubtedly have been preſent even at the riſque of his life. The Chancellor of the Exchequer, he obſerved, had ſaid, that on cool reflection, he muſt feel ſome regret at what he had ſaid; and the other Right Hon. Gentleman had ſaid, that he was the laſt man living who ought to have imputed improper motives to the Hon. Gentleman who made the Motion of Amendment that day, becauſe the Right Hon. Gentleman had ſaid, he took fire in a former Seſſion, when improper motives had been talked of relative to a Motion that he had introduced. He admitted, Mr. Grey ſaid, that the fact was, as the Right Hon. Gentleman had ſtated it. He had not been a Member of that Houſe long before the occaſion in queſtion had occurred, and he had felt his honour deeply wounded at an imputation, which he felt to be ſo unmerited at the moment: but the Right Hon. Gentleman at the head of his Majeſty's Exchequer had ſoon reconciled him to ſuch conduct, and by his own practice had taught him to believe that it was the uſual practice of the Houſe. With regard to the Hon. Gentleman's virtuous motives, who had made the Amendment; the Hon. Gentleman had,

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by his own conduct, provoked a proof of his intentions to be made, and forced him, among others, to urge him to come forward with a full declaration of all he meant by his dark alluſions. Mr. Grey ſaid, Mr. Dundas ſeemed to intimate that he had hurt the Prince of Wales's cauſe by his indiſcretion; he thanked God, it was a cauſe ſo good in itſelf, that it could not be hurt by any man's indiſcretion. If any man had a charge to make, he challenged that man to bring it forward.

Sir *William Moleſworth* roſe again, and apologized for the warmth with which he had called the Hon. Gentleman to Order before, declaring that he had ſo high a ſenſe of the goodneſs of Hon. Gentleman's motives, who had propoſed the Amendment, that he could not ſit ſilent and hear thoſe motives impeached. Sir William ſaid, he was always ſorry to differ from his Hon. Friend, but he muſt differ from him reſpecting the Clauſe in the Bill, to which the propoſed Amendment referred, becauſe he was convinced, that the Clauſe, as it ſtood, was an adequate proviſion for the ſecurity of Church and State, and the ſucceſſion of the Houſe of Hanover. Sir William added more obſervations, but he delivered them in ſo low a tone of voice, that we did not diſtinctly hear them. Sir William Moleſworth

At length Mr. Watſon put the Queſtion on Mr. Rolle's Amendment, which was negatived without a diviſion.

Restriction respecting the Creation of Peerages.

As ſoon as the Clauſe on this topic had been read,

Sir *James Johnſtone* roſe and ſaid, he could not agree to this Clauſe, becauſe he conſidered it as ſhutting the door of the Houſe of Lords againſt the Commons of Great Britain. Sir James thought the Reſtriction ought to be in ſome ſort or other qualified. If the Regent were allowed to make but one Peer a year, he ſhould be ſatisfied, but he could not agree that the other Houſe ſhould obtain an undue weight in the ſcale of the Conſtitution, and that the heads of wealthy and reſpectable families, who had ſeats in that Houſe, ſhould be debarred from any chance of having the honours of the Peerage conferred on them. Sir James Johnſtone.

Mr. Joliffe. Mr. *Joliffe* ſaid, he had refrained from ſtating his objections to the projects of the Right Hon. Gentleman, becauſe he was deſirous to ſee the extent of his plan, and what limits he would place to his ambitious views. He had valued himſelf on the boldneſs of his conduct; but he had overleaped the expectation of his moſt ſanguine admirers. He would not, he ſaid, now enter into any diſcuſſion of the ſubject at large, (which he propoſed to do at a future opportunity) but he would confine what he had to ſay to the queſtion immediately before the Committee. The Royal Prerogative of granting the higheſt honour and dignity that a ſubject could receive, was, perhaps, the very firſt privilege of the Sovereign, and was given for wiſe and beneficial purpoſes, for the advantage of the people, and thoſe who were the objects of Government, and for whoſe benefit all Government was erected, and not for any aggrandiſement or benefit to the Governor. If prudently exerciſed, it was a power judiciouſly placed, but ſhould on no account be ſubject to poſitive and abſolute limitation. The defects ariſing from an injudicious, or laviſh exerciſe of this power, was to encreaſe, in too great a proportion, the ariſtocratic part of the Conſtitution; but the limiting that prerogative, was to inveſt in one part of the legiſlature, the whole legiſlative capacity of the kingdom. The reaſons for the prerogative were two: the one to enable the Sovereign to reward merit, and to beſtow favours on the deſerving; the other, to prevent a combination in the Houſe of Peers, which might ſubvert the very exiſtence of Monarchy itſelf. If this power was well placed in the hands of the King, it muſt be ſo in the hands of the Regent; for miſuſe of power was as liable to one man as to another. If the Miniſters of the King were cenſurable for ill advice, ſo were the Miniſters of the Regent; and if the Government was intended to be well adminiſtered, it was as neceſſary that this power ſhould be in the hands of one as of the other. Merit was liable to ariſe at all periods, and equally deſerved reward. The Houſe of Peers were as ſubject to a combination during a Regency, as at any other period, which required controul at all. There could, therefore, be no reaſon aſſigned for this limitation; the only excuſe was, that it was a temporary expedient during the incapacity of the King. But why

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was merit to go unrewarded? Or, why were the Peers to have a poſitive aſcendency over the other branches of the Legiſlature, during that interval; for no avowed reaſon, but in reality to give to the Right Hon. Gentleman that influence and power, at which he had been long aiming. Another indiſputable objection was, that no period was fixed when this limitation ſhould ceaſe. So that if his Majeſty lived for any period, however long, and his malady continued, the Peers might, in defiance of the other branches of the legiſlature, ſhut their doors, and govern the country in any manner they thought proper. He therefore moved to limit this reſtraint for the term of one year.

Lord *North* followed Mr. Joliffe on the ſame ſide. His Lord- Lord North.
ſhip ſaid, this Reſtriction, he underſtood, like all the others contained in the Bill, was grounded on the probability of his Majeſty's ſpeedy recovery. In debating the Reſolutions it had been admitted, that if the period antecedent to his Majeſty's recovery ſhould unfortunately prove a long one, this Reſtriction, reſpecting the power of making Peerages, would be an improper one. It was exceedingly material, therefore, to look to dates. The firſt of February, which was the time ſtated in the amendment, was almoſt a year from that day. It was two months ſince they had firſt examined his Majeſty's Phyſicians, and his Majeſty had been ill almoſt as long before; the period preſcribed by the Amendment would be full fifteen months from the commencement of his Majeſty's illneſs, as laid before the Privy Council. He appealed, therefore, to the ſerious conſideration of the Committee, whether this Reſtriction did not tend to make the Houſe of Peers form too great a balance in the Conſtitution, to overweigh that Houſe, and deſtroy the equipoiſe which the Conſtitution had wiſely given to the three branches of the Legiſlature. His Lordſhip repeated his former argument, that if the Clauſe paſſed without limitation, it would tempt the Houſe of Lords to retain the power it gave them, and to refuſe to part with it, when circumſtances might hereafter render it adviſeable to take off the Reſtriction. By limiting the duration of the Reſtriction to the firſt of February, he contended, that the Houſe would reſerve its own right to exerciſe its authority. If the King ſhould not then be recovered, they might reſume the conſideration, and continue it for a longer time, if they ſhould

deem it to be adviſeable: whereas, if they paſſed the Reſtriction without any limitation, they would deprive themſelves of the power of exerciſing their own diſcretion, and lay the Houſe of Commons at the mercy of the Houſe of Lords.

Mr. I. H. Browne.

Mr. *Iſaac Hawkins Browne* ſaid, he ſhould vote againſt the Amendment, although he had before voted for ſome limitation of this particular Reſtriction. He ſaid, whenever the melancholy occaſion ſhould occur, that they ſhould find themſelves unfortunately obliged to conſider his Majeſty's recovery improbable, he was ſure they would all meet it with the extremeſt regret, and the moſt heartfelt concern. It would, therefore, be too early to be a welcome occaſion, let the period be ever ſo lengthened. At preſent they felt ſome conſolation under the calamitous circumſtances of the country from the aſſurances of his Majeſty's Phyſicians, that there was a ſtrong probability of his recovery. They ought, therefore, to allow time for that happy event to take place, and he ſhould think three years not too long a time. Two years at leaſt ought to be allowed; and therefore as he did not conſider two years too ſhort a period, he certainly ſhould object to an Amendment which propoſed only one year.

Mr. Pitt.

The *Chancellor of the Exchequer* declared he objected to the Amendment, on the ſame ground on which he objected when the Reſolution had been under diſcuſſion in the Committee on the State of the Nation. The noble Lord had urged the ſame reaſons againſt it which he had then advanced, and which had then been anſwered, and therefore he ſhould not repeat his arguments over again. With regard to the Amendment, he thought one year too ſhort a time for a limitation, if a limitation of any particular Reſtriction were deemed neceſſary. Mr. Pitt agreed with the Hon. Gentleman who ſpoke laſt, that it was perfectly fair for thoſe Gentlemen who had deemed ſome limitation neceſſary to object to the Amendment, as propoſing a limitation of too ſhort a time.

Mr. Fitzherbert.

Mr. *Fitzherbert* conſidered the Bill as a Bill that would make it impoſſible for the Regent to carry on the government of the country. Our anceſtors, in framing the Conſtitution, had, he ſaid, adopted three branches of the legiſlature, each of which was to have a diſtinct and ſeparate power. He was, he declared, as unwilling to invade the rights of the Crown as of any other branch; but

but the Bill took away the neceſſary powers of the Crown, and provided a crippled and enfeebled Government. Mr. Fitzherbert alluded to the famous vote, "That the Influence of the Crown had increaſed, was increaſing, and ought to be diminiſhed;" and contended, that the preſent Bill tended to diminiſh it ſo totally, as to deſtroy its neceſſary conſequence in the Conſtitution.

Mr. *Martin* ſaid, he ſhould apprehend, that if, by the time mentioned in the Amendment, his Majeſty's health ſhould not be reſtored, there would be a very poor chance of his recovery. Much, therefore, as he wiſhed for his Majeſty's being capable of reſuming his Government, he ſhould vote for the Amendment. Mr. Martin.

Mr. *Burke* began with declaring, that he had always doubted the intentions of the propoſer of the Reſolutions, when he got the Houſe to vote thoſe Reſolutions. He had ſtated his fears at the time, and thoſe fears (that it was intended by prevailing on the two Houſes of Parliament previouſly to pledge themſelves, in order to force them to abandon their deliberative capacity hereafter) were now fully verified. The Right Hon. Gentleman had declared, that unleſs any thing new was ſtated, he would ſay no more upon the ſubject. One Right Hon. Gentleman lamented his Right Hon. Friend's abſence a thouſand times; Mr. Burke ſaid, he comparatively had reaſon to lament it ten thouſand times. If the Right Hon. Gentleman had lamented the abſence of a General, the ableſt that ever conducted an Oppoſition Army, what ought not his lamentation to be? The Right Hon. Gentleman had a high ſenſe of the Phalanx he fought with. If he ran, he knew he ran with Kings. He therefore thought nothing of conquering their irregular army without their General to lead them. The Right Hon. Gentleman, he ſaid, reminded him of Montecuculli, who, on the death of Marſhal Turenne, broke his ſtaff, and ſaid he would fight no more, becauſe he had no enemy left that was worthy to cope with. Mr. Burke here adverted to the period of hiſtory to which he alluded, and ſtated a variety of facts appoſite to his argument, declaring that he wiſhed the Right Hon. Gentleman an happy retirement, conſcious as he was that he was oppoſing an adverſary that could ruin him, and who choſe that day to conquer, as all good generals would wiſh to do, without riſking a battle. Mr. Burke ſaid, whether he could produce any thing new or not, he ſhould certainly acquit his con- Mr. Burke.

ſcience, and endeavour to do his duty. He deſired, in the firſt place, to be ſhewn when in any Regency Bill, preceding the preſent, there had been a limitation of Peerages? He contended that the preſent limitation muſt be propoſed on a ſuſpicion that the Prince would abuſe his truſt, or that his Royal Highneſs's Friends were ſuch men as were ſuſpicious, or from the affected motive that the King would be hurt, if, upon his recovery, he found a change of tables, chairs, and ſtools about his perſon; for it was not leſs abſurd to ſuppoſe one thing than the other. Mr. Burke, in order to exemplify his argument, that the King had, at various times, ſuffered different men, and at different periods, to increaſe the Peerage, ran through a liſt of the various adminiſtrations of late years. He firſt mentioned Lord Rockingham, whoſe power, he ſaid, had been as large as his heart, and yet, when he poſſeſſed the power a ſecond time, he uſed it with mildneſs. He, in this part of his ſpeech, ſuffered his natural warmth to hurry him into a violent invective againſt the ſupporters of the Bill. He imputed their inſiſting on ſuch a Reſtriction, as that under conſideration, to the blackneſs of their hearts, and the rooted degree of their malignity. He charged every man who ſhould vote for the Reſtrictions fully and explicitly with the worſt motives, becauſe he could not ſuppoſe they would vote without. With regard to the probable prodigal making of Peers, Mr. Burke ſaid, it was a ſlander. The motives could not be formed from the Prince, becauſe thoſe who aſcribed them did not know him; it could not be from the men, becauſe their power had before been exerted without abuſe. The Duke of Portland, for inſtance, had often ſerved his Majeſty; firſt as Lord Chamberlain, which place he filled with high honour; then as Lord Lieutenant of Ireland; and laſtly, as Firſt Lord of the Treaſury; and in each capacity the noble Duke had acted to the ſatisfaction of his Sovereign. Would it be contended, that his Majeſty could be pleaſed only by one perſon? Let it be remembered how many and how different the ſort of men were that he had at different times favoured? The Earl of Shelburne, who was at one time generally ſuppoſed to be diſliked by the King, and who was *now in the woods*, was at a particular period in favour. The Right Hon. Gentleman alſo, who was once the laſt perſon likely to be in favour at Court, had ſince been in favour, and had well repaid that favour; why then

then was it to be ſuppoſed that perſons who had been once in his Majeſty's favour might not be ſo again? There never had been ſo many Peerages made, Mr. Burke ſaid, as during the preſent Adminiſtration. He adverted to Mr. Rolle's declaration on a former occaſion, that there had been perſons created Peers during the preſent Miniſter's power *who were not fit to be his grooms*, and made a variety of pertinent and pointed animadverſions upon it; and yet he obſerved, that at the ſame time that the Right Hon. Gentleman had made the largeſt uſe of this exerciſe of the Royal Prerogative, the Right Hon. Gentleman would not permit a temporary exerciſe of it by the Miniſters of the Regent. If, therefore, the Committee put no period to the Reſtriction, Mr. Burke ſaid, it was directly againſt the Conſtitution; and he aſked if no great men in this kingdom exiſted worthy of being diſtinguiſhed, except thoſe whom the Right Hon. Gentleman had diſtinguiſhed? He contended, that this was an affront to the noble young men of the kingdom, and he put ſeveral caſes hypothetically of young men of noble families fit to be made Peers. He took notice of the declaration of the Lord Chancellor in the Houſe of Lords, that the Prince might indemniſy himſelf by *promiſes*, which he conſidered as an affront to the law, the landed intereſt, and the *Nobleſſe* of the Houſe of Commons. Mr. Burke went over Lord North's ground of argument, that the Reſtriction in queſtion would tend to ſupport the Houſe of Lords in a combination againſt the Crown, and to encourage a faction in that Houſe; points which he urged with additional force of argument. In the courſe of his ſpeech, Mr. Burke more than once, by the vehemence of his manner, cauſed an expreſſion of laughter from the other ſide of the Houſe, on which occaſion he collected himſelf with dignity, and repelled the ridicule. On one of thoſe occaſions he ſaid, *Gentlemen might laugh poor honeſty out of countenance*, but they would better prove their claim to reſpect by anſwering his arguments. He put it to their conſciences, when they conſidered what they were doing, whether they were acting juſtly, acting as they did? declaring that their conduct would only vex him at the moment, as any other inanimate thing might that came in his way, without ſeriouſly diſturbing his judgment, or affecting his mind.

Mr. *Thiſtlethwaite* ſaid, he had not ſpoken his ſentiments before; he therefore took the opportunity of declaring that he highly Mr. Thiſtlethwaite.

applauded the conduct of the Right Hon. the Chancellor of the Exchequer, that he had not ſhewed the leaſt diſreſpect to the Prince of Wales, and that there was, in his opinion, no foundation for the complaint of a crippled Regency.

The Peerage Reſtriction was voted.

At length, proceeding to the Reſtriction relative to Penſions, Reverſions, Offices for Life, &c.

Lord North. Lord *North* renewed his argument, that the King ought, on his recovery, to find himſelf in no worſe ſituation than before his illneſs; and that therefore, although the Regent might be reſtrained from converting any place during pleaſure into a place for life, yet he ought to be enabled to grant places for life as they fell in. His Lordſhip moved, as an amendment, to inſert words ſubſtantially, importing that the Regent ſhould have no power to grant ſuch places for life, as were, on the firſt of November laſt, places during his Majeſty's pleaſure.

After ſome converſation between the *Maſter of the Rolls*, Lord *North*, and the *Chancellor of the Exchequer*, the latter arranged the amendment, ſo as to make it fall in naturally with the conſtruction of the ſentences of the clauſe. Lord *North* returned his thanks to the Right Hon. Gentleman for his arrangement, and the queſtion on the amendment was put and negatived.

Lord North. Lord *North* next ſuggeſted the propriety of an amendment, grounded on the probable circumſtance of the Regent's having occaſion to appoint a Lord Chancellor, or a Lord Keeper. In that caſe the Regent muſt neceſſarily look to high ſituations in the law, or to Barriſters in great practice; and as the place of a Lord Chancellor was precarious, from its being a political ſituation, it could not be expected that any man would quit the bench, or the bar, without ſome ſecurity in caſe of diſmiſſion from the office of holding the Great Seal, &c. His Lordſhip enlarged much upon the point. He obſerved, that Judges held their office *quamdiu ſe bene geſſerint*, and that the place of a Lord Chancellor was properly during pleaſure. What, therefore, he ſaid, could induce a Judge, who held his office for life, or a Barriſter, who might get from five to ſeven thouſand a year by his practice, to quit either for the Great Seals, which he might not perhaps hold for a fortnight, unleſs ſome ſecurity was afforded him by a reverſionary office? He reminded

reminded the Committee, that the avowed principle on which it was declared a Regent ought to be appointed was, *that he ſhould chuſe his political ſervants*, and ſurely it would be admitted, that a Lord Chancellor was as eſſential a political ſervant as any other whatever. He declared, therefore, that he had prepared ſome words to come in by way of addition to the clauſe, but he did not think that a ſufficient ſecurity, becauſe, in caſe a place of reverſion was given to a Lord Chancellor, upon either reſignation or diſmiſſion, the perſon who had held the Seals might be a conſiderable time without any proviſion. He therefore meant to move a clauſe (which he was aware muſt be propoſed at the end of the Bill, but which he thought it fair to ſtate then, as it made an eſſential part of the conſideration), that the Regent ſhould be empowered to grant ſuch perſon, accepting the office of Lord Chancellor, a *floating* penſion of 2700l. a year. His Lordſhip explained, that the reaſon of his taking the particular ſum of 2700l. a year was, becauſe that was the ſum allotted by Mr. Burke's Bill for the Reform of the Civil Liſt to Tellers in the Exchequer, in lieu of emoluments heretofore. This, his Lordſhip ſaid, was a leſs ſum than any Lawyer and Barriſter of great buſineſs muſt quit when he accepted of the place of Lord Chancellor. His Lordſhip added ſome further remarks, illuſtrative of his firſt amendment, and the clauſe that he meant, in a ſubſequent ſtage of the buſineſs, to move. He concluded with intreating, that although it was, he well knew, a ſmall irregularity, that both the one and the other might be read, as they made a part of the ſame object.

The Amendment and the intended Clauſe were accordingly read by the Chairman.

Mr *Burke* roſe immediately, and made a ſhort ſpeech in relation to his own Bill, the object of which he complained, had been fruſtrated by the conduct of thoſe who had acted on a different ſyſtem. Mr. Burke.

The *Marquis of Graham* objected to the amendment, and to the Clauſe, becauſe he conceived they tended to give the Regent a power beyond any, that the Crown enjoyed. His Lordſhip very neatly and nervouſly explained the principles on which he grounded his opinion. Marquis of Graham.

The

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, he believed it was not Parliamentary to diſcuſs whether there was a certainty of finding a ſucceſſor to the noble and learned Lord, who now held the Great Seals; he hoped ſo unfortunate a circumſtance as the country's being in danger of being deprived of the aſſiſtance of ſo able a Miniſter was not likely to happen; certain he was, a fit ſucceſſor could not eaſily be found. When this matter had been alluded to by the Right Hon. Gentleman, who was abſent, he had fairly ſtated what he thought to be the fact, that there ought to be the means of inducing a perſon fit to hold the office to take the Great Seal. He was of the ſame opinion ſtill, but he did not conceive the Houſe ought to anticipate ſuch a vacancy, and to provide for it before it happened. With regard to the ſum of 2700l. a year, as the amount of a floating penſion, to provide for the perſon who might be diſmiſſed from the Great Seal, he thought it a fair propoſal; but he objected to its being adopted as part of the preſent Bill, becauſe he deemed it both premature and unneceſſary. Whenever the occaſion occurred, a Bill might be brought in to provide for it, and he ſaw not the ſmalleſt objection that could be made to it; but if they agreed to it now, they would ſeem to anticipate a declaration of an opinion, that the Regent muſt neceſſarily have a new Chancellor, an event which, he was perſuaded would be ſeriouſly lamented by the country.

Ld. North. Lord *North* ſaid, he hoped with the Right Hon. Gentleman, that there might be no occaſion; but he muſt ſay, that if the power was not put into the Regent's hands, they receded from their declaration of giving the Regent the power of chuſing his political ſervants. His Lordſhip argued and maintained this point very ably, contending, that if, upon a vacancy of the Great Seal, the matter was to be debated again in the Houſe of Commons, it was breaking the corner ſtone of the plan, the foundation of which was, that the Regent, and not the Parliament, ſhould have the choice of his political ſervants.

Mr. Pitt. The *Chancellor of the Exchequer* replied, and perſiſted in his argument that the Amendment was not neceſſary, as no objection could be made, when the occaſion to apply to Parliament ſhould be neceſſary.

Lord *North* roſe again and contended, that it was and had been uſual for Parliament to interfere with Miniſtry holding their places, by addreſſing the Crown to remove certain Miniſters from its Councils, but it had never gone ſo far as to adviſe the Crown to appoint A. B. or C. D. Miniſters, and that he contended would, in effect, be the conſequence of not adopting his Amendment. Lord North.

Mr. *Sheridan* argued, that what had fallen from the Right Hon. Gentleman amounted to a declaration that he conſidered the preſent Lord Chancellor as thinking ſo highly of the ſucceſſors of the exiſting Miniſters, that he was willing to remain in office notwithſtanding his preſent co-partners were diſmiſſed. He conſidered the Right Hon. Gentleman's conduct as a deſign to ſmooth the way to the Lord Chancellor's retreat, when neceſſary, and as providing for adding that noble Lord's ſtrength as long as he did remain in office, to that fortreſs, which, Mr. Sheridan ſaid, he had before deſcribed as the place of ſtrength which the Right Honourable Gentleman had provided for his own retreat. He pointed out a variety of poſſible caſes that might occur, ſuppoſing the preſent Lord Chancellor was to continue in office, and yet an occaſion might offer to induce him to quit his ſituation. Suppoſe, ſaid Mr. Sheridan, there ſhould be a vacancy, in any diſtinguiſhed office in the law. The office of the Maſter of the Rolls, for inſtance; and though a learned, reſpectable, and every way a qualified Gentleman, ſhould be propoſed by the Miniſter, the Lord Chancellor ſhould reſiſt the nomination, and ſhould declare, that he would not ratify it, by putting the Great Seal to the Commiſſion. After a deal of reſiſtance, and a full exemplification of the natural ferocity and ſturdineſs of his temper, and the poſſibility, on its being ſignified that he muſt either give way or quit his ſituation, he might, in ſpite of his brutal bluffneſs, give way, and aſſent to the appointment; but ſuppoſe he ſhould not, or ſuppoſe that by illneſs, as at preſent, the Lord Chancellor was prevented attending his duty in the Houſe of Lords, a vacancy might poſſibly be occaſioned; who could the Regent's Adminiſtration procure for a ſucceſſor under the diſability of the Bill then before the Committee? Mr. Sheridan ſaid, the Right Hon. Gentleman had ſo often ſignified his departure from Office, and taken Mr. Sheridan.

leave

leave of the Houſe again and again, that it was wonderful he had not before ſignified the preference the preſent Lord Chancellor gave his probable ſucceſſors compared with the preſent Miniſters.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, the Hon. Gentleman had indulged himſelf in imputing words to him, which he had never ſpoken, and applying arguments that he had never uttered. The Hon. Gentleman had ſaid, he had ſignified his departure from office; ſurely the Hon. Gentleman had a moſt perverſe memory. His ſucceſſors had been named to him; but he had never yet heard any thing that authorized him to ſay he was about to quit his place. When he did hear any thing like it, he ſhould have much to ſay to that Houſe, to expreſs his acknowledgements for the honourable ſupport he had received, to confeſs his obligations to them, and to declare his hopes, that he ſhould not quit his ſituation, avowing principles leſs worthy their regard and eſteem, than he brought with him into office.

Mr. Sheridan. Mr. *Sheridan* replied, that the Right Hon. Gentleman, he did not doubt, would make a fine ſpeech at his exit from office, or according to the vulgar expreſſion, make an excellent delivery of his *laſt dying words and confeſſion*.

Mr. I. H. Browne. Mr. *I. H. Browne* delivered a very handſome panegyric on Mr. Pitt's Adminiſtration.

The Committee proceeded though the next Clauſe, that reſpecting the Duchy of Lancaſter.

The Chairman was then on the Motion of the Chancellor of the Exchequer, directed to report progreſs and aſk leave to ſit again.

As ſoon as the Houſe was reſumed, Mr. Watſon, the Chairman of the Committee, reported progreſs, and the Committee had leave to ſit again next day.

Monday, February 9.

ROYAL MARRIAGE.

Mr. Rolle. Mr. *Rolle* roſe, and ſaid, before they moved the Order of the day, he deſired to call the attention of the Houſe to a paper, that he

he held in his own hand, and which he would read to the Houſe; Mr. Rolle then read it as follows:

" Mr. Grey was very ſevere upon Mr. Rolle; without any reſervation whatever, he charged the Mover with motives devoid of honour and principle—ſuch as *no honeſt* man would dare to do, or could juſtify."

Mr. Rolle ſaid, his motives for moving the Amendment, that he had propoſed on Saturday were, becauſe he conſidered the Clauſe in the Bill did not attach to certain caſes that might poſſibly happen. He ſaw no Statute or Act of Parliament that guarded againſt the previous Marriage of the Regent, as ſuch a circumſtance would be improper, he wiſhed to guard againſt any ſuch poſſible caſe. The preſent Bill, he conceived, would be an Act of Parliament which did attach to a Regent's Marriage. He had wiſhed, therefore, by eſtabliſhing a Precedent to guard againſt the poſſibility of any future miſconception on the ſubject. His principal object was to ſupport the Houſe of Brunſwick, and to give the Prince, for whom he entertained a ſincere reſpect, an opportunity of clearing up all doubts. When the Hon. Gentleman oppoſite to him, had uſed violent epithets in the courſe of his ſpeech as imputable to his motives, he had not thought he was ſerious, but attributed them merely to the heat of debate; if, upon cool reflection, the Hon. Gentleman ſhould perſiſt in thoſe declarations, he ſhould think them as uncandid and illiberal, as they were unjuſt.

Mr. *Grey* was upon his legs but was interrupted by Mr. SPEAKER, who ſaid, it was with much pain that he had liſtened to the Hon. Gentleman, but he had really imagined, from what he had ſaid in the early part of his ſpeech, that he meant to have concluded with ſome Motion. Nothing could be much more diſorderly, than for any Member to allude to what had paſſed in debate on a former day; but it was more diſorderly to make what appeared in a newſpaper, the ſubject of debate in that Houſe. He begged, therefore, not a ſyllable more might be ſaid, reſpecting what had fallen from the Hon. Gentleman. Mr. Grenville.

Mr. *Rolle* was proceeding to declare that his only motives were——

When

Alderman Newnham.

When Alderman *Newnham* interrupted him by obſerving, that if one Gentleman had been heard, he hoped another would be permitted to be heard.

The SPEAKER inſiſted that ſuch a diſorderly converſation ſhould not continue.

REGENCY BILL.

The *Chancellor of the Exchequer*, therefore called for the Order of the Day, which having been read accordingly, and Alderman Watſon having taken his ſeat at the Table.

The Twelfth Clauſe was read by the Clerk,

Mr. Dempſter.

Mr. *Dempſter* ſaid, he found by that Clauſe, the Prince of Wales was not to have any thing to do with the perſonal Eſtate of his Majeſty, he begged to know, who was to have any thing to do with it?

Mr. Pitt.

The *Chancellor of the Exchequer* ſaid, the queſtion the Right Hon. Gentleman had put was, whether there was a poſitive proviſion, in anſwer to which he declared there was; but they knew nothing of that perſonal property. He knew not where it was, but if the King poſſeſſed it, it muſt be in the hands of a Truſtee.

Mr. Anſtruther.

Mr. *Anſtruther* roſe next, and deſired to know, who thoſe Truſtees were. The property might be ſquandered away. They did not know to whom to apply, or if they did, they might not be able to get at it. If they took care that the ſon ſhould not embezzle that property, they ought to take care alſo that nobody elſe ſhould. Mr. Anſtruther ſaid, he ſhould propoſe a Clauſe appointing the Princes of the Blood, the Lord Chancellor, and the principal Judges, he meant the Chief Juſtices of the Courts of King's Bench and Common Pleas, Truſtees.

Mr. Pitt.

The *Chancellor of the Exchequer* ſaid, as it was a ſeparate Clauſe, it had better be offered at the end of the Bill.

Mr. *Anſtruther* acceded to the propoſition.

The thirteenth Clauſe was read, and carried without any obſervation.

The fourteenth Clauſe, providing for the payment of his Majeſty's Houſehold, under the direction of her Majeſty, being read,

Sir

Sir *James Erſkine* oppoſed it, as granting larger powers than were neceſſary to be granted; and conſidered, that the expence of the Houſehold might be much decreaſed. Sir James Erſkine.

The *Chancellor of the Exchequer* ſaid, that ſome circumſtances ariſing from his Majeſty's ſituation, rather tended to increaſe than diminiſh the expence of ſome parts of the Houſehold. Mr. Pitt.

Mr. *Sheridan* objected to the Clauſe, as wholly unneceſſary, and as tending to create a double Government of the Houſehold, in the Queen, and in the Treaſury. Mr. Sheridan.

The *Chancellor of the Exchequer* replied, that there would be no double Government, the Treaſury having nothing more to do with the Houſehold by the preſent Clauſe, than to iſſue the ſums ordered. Mr. Pitt.

Mr. *Burke* objected to the Clauſe, as tending to the ſubverſion of the privileges of the Act of Eſtabliſhment of the Civil Liſt; and as tending, likewiſe, to the ſubverſion of œconomy, and calculated only for the purpoſe of providing for a favourite and neceſſary corps. Mr. Burke.

The *Chancellor of the Exchequer* intimated to the Committee, that meſſengers were attending from the Lords, and for the purpoſe of receiving the meſſage, moved that the Committee ſhould report progreſs. Mr. Pitt.

This being immediately agreed to, the Houſe was reſumed, and the meſſengers called in.

MESSAGE FROM THE LORDS.

The Lords had commanded the Meſſengers to acquaint the Houſe of Commons, that they would proceed further in the Trial of Warren Haſtings, Eſq. on Monday next.

The meſſengers being withdrawn, Mr. *Burke* informed the Houſe that he underſtood a Petition had been delivered by Mr. Haſtings to the Lords, ſetting forth, that he had expended already in the courſe of the trial 30,000l. and prayed their Lordſhips to proceed with all ſpeed to his trial. Mr. Burke expreſſed his readineſs to proceed as ſpeedily as poſſible to the iſſue of that, on which he conſidered his honour to be moſt ſolemnly pledged. He remarked that the ſum expended by the public in the courſe of the trial was much leſs than had been ſtated to have been Mr. Burke.

expended

expended by Mr. Haſtings, and concluded by obſerving, that he underſtood their Lordſhips only meant the trial ſhould ſtand for Monday, *pro forma*, but that they did not intend to go into it on that day.

The Houſe again reſolved itſelf into a Committee on the adjourned Debate on the fourteenth Clauſe, Brook Watſon, Eſq. in the Chair.

A ſhort converſation enſued upon the Clauſe, in which Mr. *Pitt*, Mr. *Sloper*, Mr. *Burke*, Mr. *Sheridan*, Mr. *Powys*, the *Attorney General*, Sir *James Erſkine*, and Lord *North*, took part.

Mr. Powys. Mr. *Powys* moved that the Clauſe be poſtponed, in which Motion he was ſupported by Lord North, upon the ground of the propriety of deciding upon a ſubſequent Clauſe firſt, which was the baſis of the preſent.

This Motion being perſiſted in, the Committee divided,

Ayes	—	—	—	87
Noes	—	—	—	132
Majority againſt its being poſtponed				45

The Clauſe was then put and carried without a deviſion.

The fifteenth Clauſe was put and carried without any converſation.

The ſixteenth Clauſe, relative to the Privy Purſe of his Majeſty, was next propoſed, which was oppoſed by Mr. *Dempſter*, Sir *William Cunynghame*, Mr. *Burke*, Sir *William Moleſworth*, and Mr. *Sheridan*; and ſupported by the *Chancellor of the Exchequer*, Mr. *Dundas*, Sir *James Johnſtone*, and Sir *Benjamin Hammett*.

It was oppoſed upon the ground of the impropriety of refuſing to his Royal Highneſs the Prince, who was to ſupport the dignity of the Crown, the power over the Privy Purſe, amounting to 60,000 l. *per annum*, out of which, by the Clauſe, was to be taken 16,000 l. and given to her Majeſty, for purpoſes unknown to Parliament, and the remainder to be improperly locked up from the Prince, and to be left, in caſe of his Majeſty's indiſpoſition continuing, to the diſpoſition of Parliament.

It was ſupported upon the propriety of continuing his Majeſty's benefactions, and on the impropriety of ſeizing the moment of his Majeſty's indiſpoſition, to ſtrip him of his property. The 16,000 l.

16,000 l. which had been said to be given to her Majesty for purposes unknown to Parliament, was explained in the following manner; 12,000 l. was given to pay an established list of charities, settled by his Majesty; and the remaining 4000 l. was to enable her Majesty to continue his Majesty's benefactions to those persons who were not on the list, but who she knew received charity of his Majesty to that amount.

Sir *William Molesworth* was willing to agree to the sum proposed to be taken from the money of his Majesty's Privy Purse, that was appropriated to the charities mentioned, but not thinking it proper that the remainder should be kept from the Prince, he moved, as an amendment, to add the words, "and that the "remainder shall be paid over to the Treasurer of the Privy Purse "of the Regent." Sir William Molesworth

Upon this Amendment the Committee divided.

Ayes	—	—	101
Noes	—	—	156
Majority against the Amendment			55

The *Solicitor General* proposed an amendment, which was agreed to, and the Clause was carried without any further objection.

The Seventeenth Clause was next read, vesting in her Majesty the care of the King's Person, and the government of the Household.

Mr. *Powys* objected to that part of the Clause which gave her Majesty power over the Household; he condemned it as a division of power with the Executive Authority, which was unjustifiable and inadmissible; the power given her Majesty over the Household, and the Clause restraining the Regent from creating Peers, gave a dangerous controul over the two Houses, and the Country, which was put into irresponsible hands. After arguing upon the mischiefs that might result from such a measure, he concluded by moving an Amendment to the Preamble of the Clause, leaving it open for future revision. Mr. Powys.

The *Chancellor of the Exchequer* agreed to the Amendment, and said in the course of the whole business before the House, one of the principles he had ever invariably maintained was, that the whole of the Bill ought ever to be kept open, and subject to the future revision, and alteration of Parliament. Mr. Pitt.

The queſtion on the Amendment being put and agreed to, it was inſerted in the Clauſe.

Sir Peter Burrel.

Sir *Peter Burrel* ſpoke againſt the latter part of the Clauſe, the patronage given by which, he ſaid, was ſo looſely expreſſed, that it was impoſſible to aſcertain the amount of it, and of which he conceived the Houſe ought to be acquainted previous to their adopting the Clauſe.

Mr. Pitt.

The *Chancellor of the Exchequer* acquainted the Hon. Baronet, that the whole amount of the ſalaries of the Houſehold, from the Great Officers at the head of the different departments, down to the moſt menial ſervants in any of the palaces, or the ſtables, was no more than 100,000l. *per annum*; out of that ſum there was no more than about thirty thouſand pounds received for ſalaries by members of the two Houſes of Parliament; there were ſeven in the Houſe of Commons, whoſe ſalaries amounted to about 4000l. and eighteen Lords in the other Houſe, whoſe ſalaries amounted to about 26,000l. Such influence, he ſaid, was not, in his opinion, likely hereafter to preclude any reviſion, or neceſſary alteration in the ſyſtem propoſed for the preſent emergency.

Sir Peter Burrel.

Sir *Peter Burrel* returned his thanks to the Right Hon. Gentleman, for his clear and explicit explanation.

Ld. North.

Lord *North* ſaid, notwithſtanding all that had been ſaid, he did not ſee that it was a ſelf-evident propoſition, that all the Officers of the Houſehold muſt be made ſubject to the controul and nomination of the *Committee* of the King. He denied that it was a ſelf-evident propoſition, nor could he conceive that the Queen ought to have any power or controul over any Officers of the Houſehold, excepting only ſuch of thoſe Officers as were, from their ſituations in the Houſehold, obliged to attend upon the King's perſon. The reſt of the Officers who could be of no ſervice to the King's perſon, ought not, in his opinion, to be under the controul of the *Committee* of the King, but ought to be annexed to the King's repreſentative, the perſon who actually exerciſed the Royal Authority. Why could not the Right Hon. Gentleman try to ſeparate the Houſehold? To ſeparate the regal office from the Royal Prerogative ſeemed a difficult point, but to ſeparate the grooms, the equerries, and the pages, from the Lord Chamberlain, the Lord Steward, and the Maſter of the Horſe, had been deemed almoſt impracc-

impracticable, and yet it was of the utmoſt conſequence. He aſked, which of the two evils was the greateſt, and which was of the moſt conſequence, and eſtabliſhed the worſt precedent, the ſeparating of the Houſehold, or the withholding from the Regent the ſource of that general influence which the Conſtitution had deemed neceſſary to be given to the Crown and to the executive power of the country; that general influence without which the Crown could not exerciſe its duties? In all general influence there was neceſſarily, his Lordſhip ſaid, a degree of parliamentary and political influence; but he ſaw no harm in that, and yet that influence was treated as of very little conſequence. The Right Hon. Gentleman had acknowledged that Eighteen Peers of Parliament belonged to the Houſehold; did Gentlemen conſider that Eighteen Peers voting on one ſide made the difference of thirty-ſix on a diviſion, and was that nothing? He did not ſay a bad uſe would be made of that Influence, but the withholding it from the perſon exerciſing the Royal Authority was contrary to the principles of the Conſtitution. But it had been ſaid, it would be a comfort to the King to ſee his Houſehold about him; for his part, his Lordſhip declared, he could ſee no comfort that could derive to his Majeſty during his illneſs, by having this power of his repreſentative veſted in other hands. Who would ſay that his Majeſty himſelf, when he recovered, would not revolt at ſuch a principle! He had not heard what ſingle royal duty was not expected from the Regent, if, therefore, the Regent was to continue charged with the whole duties of a King, why was he to be curtailed in his Prerogatives? The conſequences of introducing ſuch a new principle into the Conſtitution, might, when his Majeſty ſhould be reſtored, diſturb the peace of his reign. The Conſtitution annexed all the power of the Royal Prerogatives to the Crown, becauſe all the power was neceſſary. If it were not neceſſary, it was too much, and if too much, it was pernicious, and ought to be aboliſhed. Might not, at a future period, that Queſtion be agitated in reſpect to the power of the Crown? Might they not reaſon thus, and ſay, what is gained from the Crown, is gained to the people? No, his Majeſty would ſay, "the Conſtitution gave me all the Prerogatives, and my Government cannot ſtand without them." They might then anſwer, as the Right Hon. Gentleman anſwered now,

"Let your Majeſty's Miniſters act rightly, and they wont want this patronage." With regard to the perſons holding the great offices in the Houſehold at preſent, was it thought that their loſs would be irreparable? Would it be a great public misfortune for them to be changed, that they were to have their places ſecured to them? He did not mean to ſpeak diſreſpectfully of the preſent officers of the Houſehold, but he was confident that there might many be found among the young nobility, many qualified to fill every one of their places. What were the qualifications to make an officer of the Court?—Good manners, politeneſs, breeding, and ſome degree of perſonal dignity; to fill an office about the Court, it was not neceſſary to ſerve an apprenticeſhip to it, like as to an art or a craft. An officer of the Court might be ſaid, generally ſpeaking, to be like a poet, *naſcitur non fit*. His ſituation might proceed oftener from his birth than his education. There were, therefore, many perſons capable of it, and as to the change of the Houſehold giving his Majeſty pain, when he recovered, if it ſhould give him a moment's uneaſineſs, it could be remedied immediately. No miſchief could poſſibly ariſe from it. His Lordſhip purſued this train of reaſoning for ſome time, and at length addreſſing the Chairman by name, ſaid, "You, Mr. Watſon, as a man who have been engaged in mercantile and commercial concerns, have heard no doubt often of a maxim of trade, which I heard of early in life; it was this: *take care of the pence, and the pounds will take care of themſelves*." The meaning, his Lordſhip ſaid, he conceived was, take care of ſmall things, and they will enable you to ſecure the greater objects. But it was ſaid, it would ſecure the ſervices of the preſent Miniſters. That was undoubtedly a great object, but even gold might be bought too dear; and if a great rule of Government was to be ſacrificed to any Miniſters, he ſhould be of opinion, that Parliament and the public paid a very dear price for them. His Lordſhip concluded with declaring, that he had delivered his firm teſtimony againſt the idea of its being right to ſeparate this patronage of the Houſehold from the perſon that held the ſituation of the King.

Mr. Groſvenor. Mr. *Groſvenor* approved of the Clauſe, declaring, that the greater part of the noble Lord's arguments went to oppoſing the whole of the Clauſe; the noble Lord had ſaid, all the powers of the

the Crown were neceſſary; he admitted that it was true they were ſo, but the Committee ought to remember, that they were not going to make a King, but a Regent. Mr. Groſvenor declared he had very deliberately conſidered the whole of the ſyſtem contained in the Bill, and was convinced, that the entire conduct of the Right Hon. Gentleman, and every part of his ſyſtem, had been wiſe, diſtinct, diſcreet, prudent, and loyal. Had there remained in his mind any doubt upon either, that doubt would have been effectually removed by a ſpeech which he had heard from a Right Hon. Gentleman who filled the Chair, and who had on one of the days in the Committee on the State of the Nation, delivered his ſentiments from the Treaſury Bench. Sounder argument, and better reaſoning, Mr. Groſvenor declared, he had never heard from any Member of that Houſe. Every ſentence the Right Hon. Gentleman had delivered, tended to ſtrengthen and confirm him in the opinion, that the ſteps taken by the two Houſes in the arduous conjuncture occaſioned by his Majeſty's unfortunate illneſs, were legal and conſtitutional.

General *Norton* deſired, in a few plain words, to ſhew why the Lord Chamberlain, Lord Steward, and the Maſter of the Horſe, with the Lords of the Bedchamber, were the political ſervants of the Crown, and not the mere domeſtics of the King. The General ſtated the nature of their duties, which chiefly conſiſted in making a part of the Pageantry that ſurrounded the King on public occaſions. He declared, he thought thoſe Great Officers, under the preſent unfortunate circumſtances of his Majeſty, contributed neither to the ſervice nor to the comfort of the Sovereign, becauſe they could have nothing to do near him. If it could be proved that they could in any ſhape add to his eaſe, or afford his Majeſty the ſmalleſt degree of comfort, he was ſure the public would chearfully be at the expence of providing a new Houſehold for the Regent. General Norton.

Mr. *Wilbraham* obſerved, that it had been well ſaid by a Right Hon. Gentleman laſt Friday, that the whole Houſe of Brunſwick were excluded from the preſent Bill. It was, he ſaid, a moſt unaccountable excluſion. He declared he ſaw no reaſon why her Majeſty ſhould be the ſole *Committee* of the King's perſon. He thought that the Prince ought to have been joint Committee with Mr. Wilbraham.

her Majeſty, and that would have removed much of the objection that the Clauſe was liable to. But if it were deemed improper that the Prince of Wales ſhould have any ſhare in the cuſtody of his Majeſty's perſon, what had the Duke of York done, that he ſhould not have been named jointly with her Majeſty? He aſked whether the Duke of York had given ſuch proofs of his want of zeal for his father, or ſuch proofs of his want of filial affection, that he deſerved to be paſſed by. Mr. Wilbraham alſo aſked, why the two brothers of the King, the Dukes of Glouceſter and Cumberland, had been wholly unnoticed in the Bill? He ſpoke particularly of the Duke of Glouceſter, who he deſcribed as having withdrawn himſelf from the politics and pleaſures of this diſſipated town, and given way in ſecluſion and in private to the affliction with which his Royal Highneſs's mind was overwhelmed, in conſequence of the melancholy malady with which his Royal Brother was afflicted.

Mr. Keene. Mr. *Keene* ſaid, the noble Lord in the blue ribband had ſo ably argued againſt the Clauſe, that he had left him but little to ſay on the ſubject. Mr. Keene ſtated the number of Officers in the Houſehold, declaring that they amounted to nearly one hundred and fifty; that many of them had places from eight to twelve hundred a year, up to ſixteen and eighteen hundred a year; that ſeveral had places of four and five hundred a year, and more ſtill from ſixty pounds a year to a hundred, a hundred and fifty and two hundred. He ſpoke alſo of the influence ariſing from other circumſtances in the Houſehold, and particularly exemplified the duty and the patronage of the Lord Chamberlain, in order to prove that he was an officer of ſtate, and an officer poſſeſſing great weight and influence. When a foreign Miniſter left this country, he ſtated what the Lord Chamberlain's duty was, and in a variety of other inſtances, thereby proving that he was an officer abſolutely neceſſary to be about the perſon of the King or his Repreſentative. Among the inſtances of his patronage, he ſpoke of the appointing the King's Chaplains, a favour often conferred on Members of that Houſe, by the nomination of their friends and relations, &c. &c. the appointment of the Exchequer Officers, the Yeoman of the Guard, the Gentleman Uſhers, and many other deſcriptions of perſons.

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The *Chancellor of the Exchequer* roſe to ſay a few words to what the Right Hon. Gentleman had ſaid, and which would, he ſtated, alſo comprize an anſwer to what the noble Lord had ſaid formerly, and had then repeated. Did Gentlemen really think, that they could not inveſt the Regent with Royal Dignity but by depriving the King of every ſort of dignity whatever? The grounds of objection to the Clauſe were now ſtated to be, that of Parliamentary Influence, a ground which he would venture to ſay it was wholly unuſual to take broadly and openly in that Houſe, becauſe whatever might have been Gentlemen's private opinions reſpecting that peculiar kind of Influence, it never had been avowed to be neceſſary to Government, till the Lords had thought proper to avow it that day. When it was ſaid, that it was neceſſary to keep up the ſtate and ſplendour of the Regent by decorating him with thoſe external marks of the royal dignity, ought not the King's dignity to be kept by ſuch marks? Ought they, in the earlieſt moments of his Majeſty's illneſs, to be eager to ſtrip him of every mark of dignity, in order to deck out the Regent with unneceſſary powers? Mr. Pitt contended, that they ought not, but it was their duty to manifeſt that they had not forgot the reſpect and reverence to a Sovereign who had, throughout his reign, proved himſelf the father of his people. He ſaid, Gentlemen were aware that it was intended at a fit opportunity to provide for the Regent ſuch an eſtabliſhment, as ſhould be adequate to diſtinguiſh him with a degree of ſtate and dignity, which the exalted ſituation he was to fill, rendered neceſſary for the honour of the nation. Mr. Pitt.

Lord *North* ſaid, the Right Hon. Gentleman ſeemed to have reduced them to the alternative of giving the Regent the government of the country, without any part of the ſplendour, that of right belonged to the Royal Authority, or that the public was called on to bear the burthen of providing a new additional Houſehold for the Regent, an expence which the public thought, perhaps, it had already provided for. His Lordſhip contended, that the true way of ſupporting his Majeſty's dignity, was by ſupporting that of his Repreſentative. With regard to the Hon. Gentleman's charge againſt him, on the ground of his having avowed, that the Regent ought to have the patronage of the Houſehold for the ſake of the Parliamentary influence that accompanied it, his Ld. North.

Lordſhip declared he had avowed no ſuch doctrine, but had ſaid, that the patronage of the Houſehold certainly gave ſome general influence, and that was neceſſarily parliamentary.

Mr. Marſham.

Mr. *Marſham* ſaid, he always roſe with reluctance, but on the preſent occaſion it was his duty to trouble the Houſe with a few words, after the manner in which the Right Hon. Gentleman had delivered his ſentiments. Mr. Marſham ſaid he would affirm that there were Members of Parliament under influence. He reminded the Committee how often they had attempted by various Bills to prevent perſons holding places, from having ſeats in that Houſe, and ſaid it was no reflection on the perſons ſo diſqualified. He inſtanced the Exciſe and Cuſtoms, in which every perſon enjoying a ſalary of four or five hundred a year, was, by Act of Parliament, rendered incapable of a ſeat in that Houſe. With regard to the influence reſulting from the Patronage of the King's Houſehold, if the Right Hon. Gentleman would add to it the weight of influence ariſing from the Members of the two Houſes holding places in the Houſehold of the Queen, and would put the Parliamentary influence of the two Houſeholds together, he would find that the number would be nearer ſixty than thirty. He was one of thoſe, Mr. Marſham owned, who had gone with one of the Reſtrictions, and that was the Reſtriction that prevented the Regent from making Peers. He thought that, under the preſent circumſtance of the temporary illneſs of his Majeſty, a very right Reſtriction. With regard to the impoſing an additional burthen on the people, by eſtabliſhing a new Houſehold for the Regent, he declared he ever ſhould oppoſe ſuch a propoſition. He reminded the Committee of the unexampled amount and weight of the taxes at preſent, and ſpoke in terms of great praiſe of the patience with which the people bore them. He aſked, if there ever had been in that country a war concluded without a ſingle tax being taken off? Moſt aſſuredly there had not. Why then ſhould the people be additionally burthened, when there was an uſeleſs Houſehold exiſting already, at leaſt as far as regarded the great officers of it, who were officers of ſtate merely, and never made uſe of, but when the King came to Court and appeared in all his ſplendour? Points of view in which he could not be ſeen at preſent. Mr. Marſham conjured the Committee in terms of great ſolemnity and earneſtneſs

neſs to manifeſt a wiſh not to inſult the ſufficiently loaded people, and take advantage of their laudable patience under the burthens they already ſuſtained.

Mr. *Powys* wiſhed to enter his Proteſt againſt the Propoſition ſtated by the Right Hon. Gentleman, declaring that he would oppoſe the Motion for a new Houſehold, whenever it ſhould be brought forward. Mr. Powys followed the ſame train of argument as Mr. Marſham and other gentlemen had taken, with regard to the placing the great officers of the King's Houſehold about the perſon of the Regent. Mr. Powys.

Mr. *Sheridan* ſaid, if the Right Hon. Gentleman was in earneſt in his Propoſition, they might effect a diviſion in the Houſehold, as propoſed by the noble Lord near him. Mr. Sheridan remarked, that while the Right Hon. Gentleman was throwing out jealouſies and inſults againſt another perſon, he was aſſuming the higheſt degree of confidence to himſelf, by expecting that it was to be believed implicitly, that he would make no uſe of the Parliamentary influence he was providing to ſupport him when out of office. The Right Honourable Gentleman, he obſerved, had termed the Lord Steward, the Maſter of the Horſe, and the Lord Chamberlain, on a former occaſion, the *menial* ſervants of the King, like thoſe to be found in the families of moſt Noblemen. Was there, Mr. Sheridan ſaid, any truth in this compariſon? Had the menial ſervants of Noblemen any public duties, and would it be contended that the great Officers of the Houſehold had not very high and important public duties? Theſe were, and had ever been, conſidered as the great Officers of the Crown; and that they had been ſo deemed, was evident from an Act paſſed in Henry the VIIIth's reign, to which he referred. Having read the extract, Mr. Sheridan took notice of Mr. Groſvenor's declaration, that the Houſe had not, *thank God*, a King to make. He ſaid, was he not aware that the Hon. Gentleman was a friend to the Monarchy, he ſhould have thought *that* the language of a republican, who wiſhed to ſhake the Monarchy, and introduce another form of Government. Under the idea of affection to the King, they were endeavouring to ſubvert the Royal Prerogatives. Let thoſe Gentlemen ſeparate the perſonal idea of a King from a Monarchy, and they would ſee what a blow had been aimed at the Monarchy. Was it nothing, Mr. Sheridan.

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he aſked, to have been without the repreſentative of a King for almoſt four months, during which time the arm of Government had remained dead and inanimate? The Right Hon. Gentleman having repreſented his Majeſty as deſtitute of dignity, unleſs he had the white ſtaves with him, Mr. Sheridan ſaid, was a libel on his Majeſty's feelings as a Father and a King, and argued, that he was deſtitute of the dignified ſentiments that ought to inſpire the one character, and the tender affection that ſhould fill the breaſt of the other. If his Majeſty reigned in the hearts of his people, and it was true that he did ſo, it was, he contended, the leſs neceſſary that his calamity ſhould be contraſted with the appearance of grandeur, an oſtentatious parade be made of diſeaſe, and the melancholy ſituation of his Majeſty be rendered indeed more public and more diſtreſſing. Mr. Sheridan reprobated the idea of gorgeouſly decorating the bed of ſickneſs, and loading it with regal trappings, the more mortifyingly to expoſe the wretched ſtate of a ſick King. He condemned the idea of the Queen's having the power to change the Officers of the Houſehold in her own name, obſerving, that they had all been appointed in his Majeſty's name. If it was ſo neceſſary to keep the Houſehold remaining, the places ought, Mr. Sheridan contended, to be put in a ſtate of ſuſpenſion and abeyance during the continuance of his Majeſty's unhappy malady, and the words "ſalary, profits, and emoluments," left out of the Clauſe. He ſpoke of the indecency of the Officers of the Houſehold coming down to that Houſe, and voting their own ſalaries, when they were conſcious it was not likely for them to be called upon to do any duty. He noticed the declaration of the Chancellor of the Exchequer, to make new Eſtabliſhments for the Regent. He aſked how the Right Hon. Gentleman could dare to ſuggeſt ſuch an idea, after having heard the declaration from Authority, that the Prince of Wales deſired to have no ſuch Eſtabliſhment created as ſhould cauſe freſh burthens to be laid on the people. Did the Right Hon. Gentleman mean not to leave the Prince the free-will to refuſe the Eſtabliſhment if offered? Had he forgot what he had heard upon the ſubject from his Right Hon. Friend? The Right Hon. Gentleman muſt, he ſaid, have a pretty conſiderable ſhare of preſumption in taking it for granted, that the King, on his recovery, would be pleaſed to hear that a new tax had been

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impoſed on his people. He believed his Majeſty would conſider it as the moſt fatal conſequence of his illneſs, it had cauſed his ſubjects to ſuſtain an addition to the burthens they already laboured under. After farther warmth againſt the Clauſe, Mr. Sheridan concluded with declaring, that he for one would vote againſt ſuch an unconſtitutional diviſion of power.

Mr. *M. Montague* defended the Clauſe. Mr. Montague conſidered the idea of the Queen's obſtructing the government of her own ſon as moſt unnatural and improbable. He ſpoke of the Queen's high character and moderation hitherto, and declared that politics muſt be a ſtrange ſcience, ſo totally to obſtruct every feeling of parental regard and maternal affection. Mr. M. Montague.

Sir *William Dolben* ſaid, that the Regent having the office and duties of a King, ſhould alſo have the patronage of the Crown, he agreed to; but not to the aſſertion that the Officers of the Houſehold were the political ſervants of the Crown. The ſuperior Officers might, Sir William thought, very properly attend the Regent; and if there were any diſmiſſions, they ought to be in the name of her Majeſty, but the ſupply of the vacancies ſhould be in the Regent. He declared, he thought that there was as much patronage annexed to the Regency as ought to belong to it; he was aware, Sir William ſaid, that there were many claimants for the loaves and fiſhes; that ſome would faint by the road ſide, and others the Prince would be forced to ſend empty away; but then he would have many vacancies to fill, and more would fall in every day. Sir William concluded with declaring, that he ſhould vote for the Clauſe as it ſtood. Sir William Dolben.

Mr. *Sloper* ſaid a few words againſt the Chancellor of the Exchequer's propoſition. Mr. Sloper.

Mr. *Burke* then roſe, and began with obſerving, that the Houſe was almoſt exhauſted, and that his power of engaging their attention was almoſt exhauſted likewiſe, though the ſubject was by no means exhauſted; he would therefore for the preſent only ſay a few words on the aſtoniſhing aſſertions of the Right Hon. Gentleman. To juſtify that panegyric on the Sovereign, which the Honourable Gentleman had pronounced, he was called upon to bring him forth as a pageant, dreſſed up with uſeleſs ſplendour and degrading dignity, to ſerve the purpoſes of ambitious men. The Right Hon. Mr. Burke.

Gentleman

Gentleman had ſaid, would they ſtrip the King of every mark of royalty, and transfer all the dignities of the Crown to another perſon? No, God forbid, when the perſon wearing the Crown could lend a grace to thoſe dignities, and derive a luſtre from the ſplendour of his Houſehold. But did they recollect that they were talking of a ſick King, of a Monarch ſmitten by the hand of Omnipotence, and that the Almighty had *hurled him from his Throne, and plunged him into a condition that drew down upon him the pity of the meaneſt peaſant in his kingdom*——

Marquis of Graham.

Mr. Burke was moſt violently called to Order by the other ſide of the Houſe. The *Marquis of Graham* roſe with ſome warmth, and ſaid, the Right Hon. Gentleman, nor no man in that Houſe, ſhould dare to ſay, the King was *hurled from his Throne.*

Mr. Burke.

There being a very general cry of *take down his words*, Mr. *Burke* roſe again, and as ſoon as he had obtained a hearing, ſaid, he would give Gentlemen a full opportunity of taking down his words. He declared he had been interrupted in the midſt of a ſentence, and that ſcripture itſelf ſo maimed and mangled might be rendered blaſphemy. But when it was ſaid in their churches, that the King was afflicted for their ſins, ſhould it not be ſaid, that he was ſtruck by the hand of God? At a time when they were putting up their prayers in their temples to Heaven, to reſtore their King, proſtrating themſelves before the Deity, and declaring that it was in puniſhment of their iniquities the Sovereign was taken ill, (which he thought had better not have been ſaid) ſhould he not have liberty to declare that Omnipotence had ſmitten his Majeſty? His illneſs was cauſed by no act of theirs; but ought they, at that hour of ſickneſs and calamity, to cloath his bed with purple? Ought they to make a mockery of him, putting a crown of thorns on his head, a reed in his hand, and dreſſing him in a raiment of purple, [A cry of Oh! Oh!] to cry, "Hail! King of the Britiſh!!!" After a good deal of warm declamation, Mr. Burke proceeded to argue the Clauſe. He cenſured, in ſtrong language, the idea of giving the powers of the Crown to one perſon, and its patronage to another; at a moment like that every precaution, he ſaid, ſhould be taken to preſerve the ſafety of the Conſtitution, and the luſtre of the Royal Dignity unimpaired; but was that the way to effect it? As the Right Hon. Gentleman

had planned the buſineſs, the Government would be weak, enervated, and altogether deſtitute of dignity; there would be no mark of royalty about the Regent for foreign Ambaſſadors to obſerve, and thence the country would ſtand degraded, and ſunk in the eyes of all Europe; and however we might paſs it over, and put up with the inconvenience among ourſelves here at home, the impreſſion given of our Government abroad was highly material. He aſked, how could the King, on his recovery, be pleaſed at ſeeing the patronage of the Houſehold taken from the Prince of Wales, his repreſentative, and given to the Queen? He muſt be ſhocked at the idea, unleſs they ſuppoſed, what it was unnatural and monſtrous to ſuppoſe, that the King was a good huſband and a bad father. An Hon. Gentleman, he obſerved, had ſaid, they were not going to make a King. He was afraid they were. It was meant that the perſon who ſhould repreſent his Majeſty ſhould not have the attendance that ought to accompany royalty. When, he aſked, had ſuch a project been ever before practiſed as a ſeparation of the royal dignity from the regal office? He put the caſe of a minor King, of ſeventeen years of age, and ſaid, in that caſe the Regent had been provided and inveſted with all the royal dignity of a King. He referred to the Regency Bills in the reign of George the Second, and the Regency Bill paſſed in the preſent reign, and argued from both, contending, that in both the full powers were given. He contended alſo, that the Royal Family were noticed in each, whereas they were totally excluded from the preſent Bill, and power of an enormous magnitude was taken out of the hands of the King's eldeſt ſon, and put into the hands of a perſon not of his Majeſty's blood. The Regent, he ſaid, was tied up from making Peerages; he was debarred from granting Penſions and Offices; he was reſtrained from exerciſing Charities, beſtowing Bounties, or doing any one grateful office that ſerved to balance againſt the dreadful attributes of Sovereignty. Where was he to get money to diſtribute bounties? Was he to take it out of his own privy purſe, or the receipts of the little paltry Dutchy of Lancaſter? He obſerved, that to the Queen that Houſe propoſed to be prodigal; to the Heir Apparent they had not given the leaſt dignity in the world. What were they then doing? They were about to give a mock crown, a tinſel robe and a ſceptre from the theatre,

lacquered

lacquered over and unreal, and at the ſame time they rendered it neceſſary to tax the people, ſo that the Prince's name ſhould never be mentioned without ſome recollection that ſhould excite unpopularity. The Right Hon. Gentleman, Mr. Burke ſaid, was to have 300,cool. influence when he went out. The Right Hon. Gentleman thought the Prince might do without influence, although he knew he could not do without it himſelf. In former times, Mr. Burke ſaid, the way to popularity was by ſtanding up in defence of the liberties of the people, but the Right Hon. Gentleman was born for the age in which he lived; he took another road; his firſt object was by ſome means or other to get court favour, and having obtained indirectly a degree of power, he thought to gain popularity afterwards if he could. Mr. Burke threw out much perſonality againſt Mr. Pitt, charging him with having contrived the Bill to fortify himſelf when out of office. He contended that the ſeparation of power from royalty muſt deſtroy the repreſentation of this country, or the Queen's government muſt deſtroy the Regent's. His Majeſty, he obſerved, might continue ill for twenty years, and then he deſired Gentlemen to recollect what a ſtate of anarchy, diſunion, and difficulty, the divided government they were ſetting up would create. By depriving the Regent of the power of making Peers, they had ſhut the door of the Houſe of Lords againſt the people; they had put it out of their own power ever to correct their error, and made the Houſe of Lords the great, independent, and omnipotent branch of the legiſlature.

Mr. Pitt. The *Chancellor of the Exchequer* roſe, not, he ſaid, to detain the Committee, but there had fallen ſome things in the debate, which ſeemed to call for a few ſhort obſervations. In the Right Hon. Gentleman's ſpeech, he ſeemed rather to have addreſſed him perſonally, than endeavoured to argue the Clauſe in queſtion; the Right Hon. Gentleman ſeemed to think that his going out of office was a point of greater importance than any thing contained in the Clauſe under conſideration. The Right Hon. Gentleman had charged him with having told the Houſe he was going out of office; the fact was, he never told them any ſuch thing, nor did he know that he was to go out. But ſo far was he from having ever ſaid he was to go out, that a Right Hon. Gentleman, not then

then preſent, had, on an early day, in the courſe of their diſcuſſions, told him, in a way peculiarly marked and expreſſive, that he and his friends were to be his ſucceſſors, when he had, in reply, ſtated, that, from the opinion he entertained of the principles of thoſe who, it was ſaid, were to be his ſucceſſors, an opinion founded in his knowledge of their former conduct, he thought it the more neceſſary to purſue the ſyſtem of meaſures that he was recommending, and that he had made that very declaration an argument in ſupport of the meaſures themſelves. When the Prince of Wales was declared Regent, the Chancellor of the Exchequer ſaid, he ſuppoſed his Royal Highneſs would keep him, and the reſt of his Majeſty's ſervants, in office, or he would chooſe other ſervants, according to his own ideas of what would be moſt advantageous and beſt for the country. Whether he ſtaid in or went out, he ſhould endeavour to be inſtrumental in being of ſervice to his country. The next argument the Right Hon. Gentleman had reſorted to by way of charge againſt him, was neither more or leſs than a direct fiction, becauſe the Right Honourable Gentleman had choſen to ſay, that he was to have a connection with the power placed in the Queen's hands, an aſſertion which was a fiction, as he moſt undoubtedly was to have no ſuch connection. Another matter that the Right Hon. Gentleman had repeatedly mentioned, though he had been again and again anſwered, and that was, that the amount of that patronage was 300,000l. a year. The Right Hon. Gentleman did not know the Civil Liſt, if he ſaid the offices amounted to 300,000l. a year. The ſum did not amount altogether to much above 200,000l. and in that ſum was included all the approved tradeſmens bills, amounting to near half the money, and which had no connection whatever with political or parliamentary influence. The Chancellor of the Exchequer defended himſelf from having, in his opening, called the Lord Chamberlain, the Lord Steward, and the Maſter of the Horſe, the *menial* ſervants of the Crown, and ſaid, it was the very term beſtowed on thoſe officers by the Right Hon. Gentleman in his own Bill for the Reform of the Civil Liſt. [This appearing to be doubted by Mr. Sheridan, and ſome of the Gentlemen on the other ſide, Mr. Pitt referred them to the Bill, and pointed out the Clauſe in queſtion.] He deſired Mr. Sheridan to give him his attention while he anſwered

ſwered one part of his ſpeech. He then took notice of Mr. Sheridan's aſſertion, that the beſt way to ſupport royalty was to ſeparate the perſon of the King from every royal dignity. He declaimed on this remark in moſt eloquent terms, and denied that his Majeſty was at preſent in an humiliating condition; inſtead of his ſtate being low, abject, and degrading, as the Right Hon. Gentleman had deſcribed it, it was very much the contrary. His preſent viſitation of ſickneſs had excited in his ſubjects ſomething more than the loyalty they always paid him; it had rouſed in the hearts of his Majeſty's people a greater fervour of affection, which was blended with a degree of grief and compaſſion that partook of veneration and reſpect. Mr. Pitt expreſſed himſelf very finely on the King's illneſs, and aſked, if that Houſe would ſo far forget their duty and their allegiance, as to ſtrip his Majeſty of every mark of royalty and of dignity, in order to give that which belonged properly to their rightful Sovereign to the Regent? He aſked, if there was no other way of providing for the ſtate and ſplendour that ought to attach to the office of Regent of the kingdom? Moſt undoubtedly there was, and it was well known that at a fit time that eſtabliſhment would be propoſed; but the Hon. Gentleman had thought proper to ſay, that notice had been given from authority, that his Royal Highneſs would not accept of any eſtabliſhment that ſhould lay an additional burthen on the people. He expoſed the fallacy of this mode of argument, and ſhewed, that the utmoſt amount of the incomes of thoſe officers of the Houſehold, who were in the two Houſes of Parliament, was no more than 30,000l. a year, one fourth of which was paid back again in taxes. He ſaid, he was perſuaded when it ſhould hereafter be neceſſary to ſubmit to his Royal Highneſs, that Parliament had thought an eſtabliſhment proper to keep up the ſplendour and dignity of his office, as well for the ſake of the national character, as his own honour, neither his Royal Highneſs would object to it, nor would the people murmur at being called on to provide for a purpoſe ſo neceſſary and ſo proper.

Mr. Sheridan.

Mr. *Sheridan* ſaid, the Right Hon. Gentleman had in a very extraordinary mode perverted his argument. The Right Hon. Gentleman had, he obſerved, ſaid formerly, that he would at a future time anſwer the arguments of Gentlemen, and that they would

would have abundant opportunities of diſcuſſing and debating every part of the ſubject; but ſince the Bill had come on, the Right Hon. Gentleman not only never mentioned any of thoſe arguments which he had formerly reſerved, as it were, to anſwer at a future time; but when new matter was advanced in debate, had drily declared, that nothing had been ſaid but what they had before heard, and, therefore, he would not take up the time of the Houſe with a reply. This was, Mr. Sheridan ſaid, as pleaſant a way of avoiding to combat arguments that could not be anſwered, as ever he had heard of. The Right Hon. Gentleman, he declared, had perverted his argument ſtrangely, by ſaying, that he had ſtated, that ſeparating all the Royal Dignities from the perſon of the King, was the beſt way of ſupporting the dignity of the Crown. Mr. Sheridan denied that he had argued in that manner. His argument was, that all that had been given in ſupport of the ſtate and dignity of the Crown, ought to be annexed to the perſon exerciſing the Royal Authority, and not to the King, confined to a bed of ſickneſs, and incapable of exerciſing the functions of the Kingly office. So to annex that part of the Houſehold, from which his Majeſty could, in his preſent condition, derive neither uſe, nor honour, nor dignity, was a greater mockery than it was a compliment. Mr. Sheridan took notice of the alluſion to the ſpeech of his Right Hon. Friend made by the Chancellor of the Exchequer, and ſaid that alluſion had been incorrectly ſtated, as all alluſions to ſpeeches delivered at a diſtant preceding period, and in the abſence of thoſe who delivered them, generally were. He took notice of Mr. Dundas's declaration of Saturday, that he lamented his Right Hon. Friend's abſence, and informed the Committee, that his Right Hon. Friend's health was greatly better, and that he had been very near being preſent at that debate, having been ſtruck with aſtoniſhment at that moſt extraordinary Clauſe of the Bill, that provides for his Majeſty's reſuming his Royal Authority. With regard to the ſum of 300,000l. which his other Right Hon. Friend had ſaid was the amount of the Patronage of the Houſehold, the Right Hon. Gentleman over the way had denied, that it amounted to ſo much, but the Committee would recollect, that the Right Hon. Gentleman had that evening told them firſt, that it amounted only to 100,000l. a year, and in

his laſt ſpeech he had acknowledged that it amounted to more than 200,000l. a year. The Right Honourable Gentleman had ſaid, that more than one half of that ſum conſiſted of the approved Bills of Tradeſmen, &c. which had nothing to do with Parliamentary Influence. He denied the fact to be ſo. He could eaſily ſee how great a degree of Parliamentary Influence aroſe out of thoſe Bills. Was there never any ſuch thing as a Weſtminſter Election? Would the Right Hon. Gentleman with that orange cape to his coat, take upon him to declare that no parliamentary influence could be exerciſed through the medium of the Tradeſmen of the Houſehold at ſuch an Election? He put other caſes and contended, that both at an Election and in various ways, Influence would reſult from the Tradeſmen's Bills, as well as from the Officers of admitted importance in the Houſehold. With regard to the latter, the caſe, he ſaid, was clear; for to whom were thoſe perſons to look for the maintenance of their ſituation, but to thoſe who conferred thoſe ſituations upon them? Mr. Sheridan ſaid, he ſhould move an Amendment to fulfil the idea of the noble Lord near him of ſeparating thoſe Officers of the Houſehold, actually neceſſary to the attendance on the King's perſon, from thoſe other Officers of the Houſehold, who were merely Officers of State. Mr. Sheridan with this view moved to annex ſome words to the Clauſe, purporting to empower her Majeſty to have the direction and controul over ſuch Officers of the Houſehold, as ſhould be deemed neceſſary to attend about his Majeſty's Royal Perſon.

The Amendment was no ſooner read by the Chairman, than
Mr. Pitt. the *Chancellor of the Exchequer* ſaid, he objected to the Amendment, becauſe it was inconſiſtent with the principles on which they argued, and with the mode of proceeding. It was, he believed, the firſt time that an Amendment, couched in ſuch general words, was moved in a Committee on a Bill. If the Amendment were agreed to, it would be neceſſary to move an additional Clauſe to explain what the general words of the Amendment referred to.

Mr. Sheridan. Mr. *Sheridan* ſaid, undoubtedly another Clauſe would be neceſſary, which he meant to move at the proper time, and nothing

would be more eaſy than to refer to the Civil Liſt, and from that ſpecify ſuch Officers of the Houſehold, as would be proper to be put under the controul of the Queen, becauſe they would be neceſſary attendants on the King's perſon. Mr. Sheridan obſerved, that the preamble of the Clauſe naturally led to ſuch an Amendment as he had propoſed; and as an argument in proof of its propriety, remarked, that by the Bill, the Queen having the power of appointing and diſcharging the Officers of the Houſehold, they would be her Officers, and not the King's; and as ſhe was not obliged to fill up vacancies, though ſhe had the power of doing ſo, great inconveniencies might ariſe in caſe of her not filling up vacancies. Suppoſe, for inſtance, the office of Lord High Steward ſhould be vacant, and the Queen were not to fill it up, who would there be to ſwear in a new Parliament, if a new one ſhould be called?

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, the Queſtion was eaſily anſwered, if one Lord Steward ſhould die, or be diſmiſſed, the Queen would undoubtedly appoint another; or if there ſhould be no Lord Steward, there could not be any great difficulty in providing for ſwearing in the Parliament.

Mr. *Sheridan* replied.

The Committee being extremely clamorous for the Queſtion,

Mr. M. A. Taylor. Mr. *M. A. Taylor* called upon the Chairman to enforce and preſerve order, ſince every Gentleman who choſe to deliver his ſentiments had an undoubted right to be heard on a Queſtion of ſo much importance to the community at large. If Gentlemen were impatient and fatigued, it was, Mr. Taylor ſaid, eaſy to move the Queſtion of Adjournment, and reſume the Debate the next day.

Mr. Burke. Mr. *Burke* roſe to ſtate ſome circumſtances of miſrepreſentation, which, he ſaid, it had been his fate to experience at the hands of the Chancellor of the Exchequer. The Committee, however, ſtill calling for the queſtion, Mr. Burke ſat down.

Ld. George Cavendiſh. Lord *George Cavendiſh* ſaid, he had ever conſidered the Officers of the Houſehold to be Officers of State, attached more to the dignity of the Crown than the perſon of the King. With regard to the appointment of a new Houſehold for the Regent, his Lordſhip ſaid he muſt object to any ſuch Propoſition, becauſe he was

againſt all unneceſſary expence. He ſaid, he thought the Officers of the King's Houſehold ought to attend the Regent, and add to his ſtate and ſplendour, and if they did not, they ought not to receive their ſalaries during the continuance of the King's illneſs, becauſe at preſent they could have no employment, but were a parcel of unneceſſary Officers, who were fattening like drones in the hive.

At length the ſtrangers being deſired to withdraw, the Committee divided on Mr. Sheridan's Amendment,

Ayes 118 *Noes* 173

The Queſtion was then put on the original Clauſe, and carried.

The Chairman was next directed to report progreſs and aſk leave to ſit again, which he did as ſoon as the Houſe was reſumed.

Tueſday, February 10.

REGENCY BILL.

Mr. Pitt. The *Chancellor of the Exchequer* moved the Order of the Day for the Houſe reſolving itſelf into a Committee of the whole Houſe, on the further conſideration of the Bill for providing for the ſafety of his Majeſty's perſon, and for the exerciſe of the Royal authority.

The Order of the Day being read, and the Houſe reſolved into a Committee accordingly, Brook Watſon, Eſq. in the Chair, the following Clauſe was read:

" *And whereas* the execution of the weighty and arduous truſts hereby committed to the Queen's Moſt Excellent Majeſty, in reſpect of the care of his Majeſty's Royal Perſon, and of the diſpoſing, ordering, and managing of all matters and things relating thereto, may require the aſſiſtance of a Council, with whom her Majeſty may conſult and adviſe in the diſcharge of the ſame: Be it therefore enacted by the authority aforeſaid, That, in order to aſſiſt and adviſe her ſaid Moſt Excellent Majeſty in the ſeveral

matters aforeſaid, there ſhall be, during the continuance of his his Majeſty's illneſs, a Council, conſiſting of

Which Council ſhall, from time to time, meet as her Majeſty ſhall be pleaſed to direct; and if it ſhould happen that any of them the ſaid

ſhould depart this life, then, and in ſuch caſe, it ſhall be lawful for the Queen's Moſt Excellent Majeſty, by an inſtrument in writing, ſigned and ſealed by her Majeſty, revokable at her will and pleaſure, to nominate and appoint ſome one perſon, being or having been a member of his Majeſty's Moſt Honourable Privy Council, to be a Member of the ſaid Council, to adviſe and aſſiſt her Majeſty, in the room and place of each and every of the ſaid Counſellors ſo departing this life; which nomination and appointment ſhall be forthwith certified by an inſtrument in writing, ſigned and ſealed by her Majeſty, to the Lords of his Majeſty's Moſt Honourable Privy Council, and ſhall be entered in the books thereof."

QUEEN'S COUNCIL.

The *Chancellor of the Exchequer* again roſe, for the purpoſe of Mr. Pitt.
propoſing to fill up the firſt blank, with the names of ſuch perſons as the Houſe might think proper to appoint to aſſiſt her Majeſty in the truſt appointed her for the care of his Majeſty's perſon. It would, he ſaid, be neceſſary to put the Queſtion ſingly on each perſon propoſed; but for the ſatisfaction of the Houſe, he would, previous to his putting any ſingle name, ſubmit to the Houſe the whole of the names he meant to propoſe to fill up the blank. He meant to propoſe the heads of the different departments over which her Majeſty was to have controul; thoſe perſons, he had no doubt, would be admitted to be exceedingly proper; but as it might appear neceſſary to have other great and important perſons to aſſiſt her Majeſty, it was natural to look to the heads of the church and the law; the perſons he ſhould therefore have to ſubmit to the Committee, as proper to be of her Majeſty's Council, were the two heads of the Church, the Archbiſhops of Canterbury and York; and the heads of the law, Lord Thurlow (the Lord Chancellor) and Lord Kenyon, (the Chief Juſtice of the King's Bench;) theſe perſons, in addition to the reſpect of their high ſituations,

had been approved by his Majeſty, and no perſons, he conceived, were more proper to be appointed of her Majeſty's Council, than thoſe who had been approved of by his Majeſty for their ability, and for their integrity. In addition to thoſe reſpectable perſons, he ſhould have to offer the four officers at the head of the departments of the Houſehold for the time being, the Lord Chamberlain, the Lord Steward, the Maſter of the Horſe, and the Groom of the Stole; the firſt Motion, therefore, that he had to make to the Committee was, 'That John, Lord Archbiſhop of Canterbury, be one of her Majeſty's Council.'

The queſtion being put,

Ld. North. Lord *North* roſe, not to oppoſe the nomination of that reſpectable Prelate as one of her Majeſty's Council, but to do a thing of great importance. He had expected, that in opening the ſubject the Right Hon. Gentleman would not have omitted thoſe who were neareſt in blood and affection to his and her Majeſty. If the Houſe ſhould agree with him, that an inſertion ſhould have been made of the Princes of the Blood, he would make ſuch a Motion. His Lordſhip ſpoke of the propriety of naming his Majeſty's ſons, the Princes, who were of full age, and his Royal brothers. They were the neareſt his Majeſty, and the perſons, he ſhould think, that her Majeſty would chooſe to have for adviſers. His Lordſhip ſaid there were ſeveral reaſons why the Princes of the Blood ought to be of the Queen's Council. It was, he obſerved, a Council not to controul, but to adviſe her Majeſty. The Clauſe, he ſaid, alſo provided for the death of the perſon propereſt to have the care of his Majeſty, in which caſe the power was to devolve on her Council. This his Lordſhip conſidered an additional reaſon to mix ſome of the Princes of the Blood in the Council. His Lordſhip remarked upon the different mode propoſed to appoint her Majeſty's Council, four being appointed by name, and the other four by virtue of their offices, in which laſt manner he contended they all ought to have been appointed. With reſpect to thoſe propoſed, the perſons themſelves were proper, but why ſhould the Hon. Gentleman think a Groom of the Stole, a Lord Chamberlain, a Lord High Steward, and a Maſter of the Horſe, were Counſellors by virtue of their offices? His Majeſty had certainly appointed Viſcount Weymouth to the firſt of theſe offices, he

he had given a Lord Chamberlain's ſtaff to the Earl of Saliſbury; a Lord Steward's ſtaff to the Duke of Chandos; and made the Duke of Montague Maſter of the Horſe; but did thoſe appointments peculiarly qualify them for Counſellors? Seeing, therefore, no reaſon that could be adduced againſt the inſertion of the names of the Princes of the Blood, he gave notice, that when the perſons propoſed by the Right Hon. Gentleman ſhould be diſpoſed of, that he would move for the inſertion of the names of Frederic Duke of York, and the other Princes of the Blood.

Mr. Pitt.

The *Chancellor of the Exchequer* ſaid, that he ſhould for the preſent refrain from ſtating his objections to the noble Lord's propoſition; when the Motion ſhould be made, he would ſtate the reaſons why he conceived it to be improper.

Mr. Dempſter.

Mr. *Dempſter* declared himſelf not ſatisfied with the nomination; conſidering the Members of that Houſe as much intereſted, and as ardently wiſhing for the recovery of his Majeſty as any courtier, he was amazed that the Speaker of that Houſe, and the Lord Mayor of London, for the time being, ſhould have been omitted, and ſignified his intention of propoſing the inſertion of thoſe officers.

Ld. Maitland.

Lord *Maitland* ſaid, the omiſſion of the Chief Juſtice of the Common Pleas was very extraordinary. In whom, he aſked, had his Majeſty placed greater confidence? He ſuſpected that the Right Hon. Gentleman was influenced by politics in the choice of perſons to fill her Majeſty's Council; ſuch a conduct on the preſent queſtion he conſidered to be diſgraceful to the two Houſes, and hoped they would not be influenced by ſuch conſiderations. He called upon the Right Hon. Gentleman for the reaſon of omitting the Chief Juſtice of the Common Pleas, and for appointing the Archbiſhops of York and Canterbury, and the Lord Chancellor, and the Chief Juſtice, by name, and the other four officially.

Sir Peter Burrel.

Sir *Peter Burrel* wiſhed to know, as there were but eight Counſellors provided for her Majeſty, whether ſhe was to have the caſting vote? He alſo wiſhed to know why four of the Council were to be permanent, and the other four left to the nomination and removal of her Majeſty.

Marquis of Graham.

The *Marquis of Graham* ſaid, in anſwer to Sir Peter Burrel, that this was a Council of Advice, and not of Controul. That the

Queen needed no caſting vote, and it was at her option whether ſhe would take or reject the advice her Council gave her. In anſwer to the propoſition for introducing into the Council the Princes of the Blood, he ſaid there appeared to him a clear line for their excluſion; they were ſo connected with that Great Perſonage by the ties of affection, that they would be at all times ready to give their advice, and they could give it without reſponſibility; it would therefore be improper to appoint them to reſponſible ſituations, making them liable to be brought to the bar of that Houſe and examined, when other perſons of great ability, and learned in the law, could be found to occupy thoſe reſponſible ſituations. In anſwer to the propoſition for admitting the Chief Juſtice of the Common Pleas, he ſaid he knew not where they were to ſtop, if every man wiſe and great enough for this Council was to be a member o it; if they did ſo, they might appoint more members for ſuch a Council than formed the Houſe of Commons. The Marquis, in the courſe of his ſpeech, alluded to Mr. M. A. Taylor by ſaying, he knew not whether he was ſtill to call him the learned Gentleman, ſince he underſtood he had quitted his profeſſion. Having heard no argument that convinced him of the impropriety of his Right Hon. Friend's propoſition, he ſhould give it his ſupport.

Mr. Sheridan.

Mr. *Sheridan* conſidered the propoſition of the Right Hon. Gentleman as unnatural and unprecedented. It had been urged by the noble Marquis, that the Princes of the Blood could give their advice to her Majeſty without being appointed of the Council; but their advice, however good, might be loſt, becauſe they were not of the Council, without the majority of which her Majeſty could not act upon the moſt important occaſion, the reſtoration of his Majeſty to his Government. It could be no degradation to the Princes of the Blood, he ſaid, to be put into a reſponſible ſituation, when the firſt Prince of the Blood, the Prince of Wales, was appointed to a place of great truſt and reſponſibility. He conſidered her Majeſty's ſons and the King's brothers to be her moſt proper and natural adviſers, and deprecated the meaſures propoſed by the Right Hon. Gentleman, as tending to cauſe Parliament to infuſe into her Majeſty a ſuſpicion that her ſons were not the proper perſons to counſel her, which was an outrage on the feelings of nature. He concluded by hoping that the noble Lord's propoſition would

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be agreed to, and that the Houſe would not go along with the Right Hon. Gentleman in objecting to the inſertion of the names of the Princes of the Blood.

Mr. *M. A. Taylor* objected to the four Members of the Houſehold being Members of the Council. Mr. Taylor ſaid, he had no exception to Lord Thurlow's being one of the Council, but he objected to his being appointed by name, thinking that it ought to ſtand, "the Lord Chancellor for the time being." He objected to the Lords of the Houſehold, becauſe they were under the nomination of the Queen, who ought to have independent adviſers; the Lords of the Houſehold, he ſaid, could not be independent adviſers, being removable at the Queen's pleaſure. He declared he wiſhed the blank to be filled up with the names of the Lord Chancellor, the Chief Juſtices of the King's Bench and Common Pleas, the two Archbiſhops, and the Speaker of the Houſe of Commons, for the time being. He wiſhed ſucceſs to the noble Lord's propoſition for including the Princes of the Blood, conſidering them the moſt natural, the moſt proper, and diſintereſted adviſers of her Majeſty, and declaring that he did not believe the Royal Family had ever been left out of a Regency Bill before. He declared he ſhould conceive himſelf ill-treated, if he was the ſecond ſon of a Gentleman, (whether born to a throne, to a fortune, or none, it did not alter the argument) and he were not, under ſuch circumſtances as thoſe of his Majeſty's indiſpoſition, called in to take ſhare of the care of his father. He conſidered it as impoſſible that a ſon ſhould be ſo baſe as, under ſuch circumſtances, to give his mother wrong advice. Whether he had left his profeſſion or not, he ſaid, he was ſtill entitled to the addreſs which was uſually made in that Houſe to men of the legal profeſſion. He inſiſted that no reſponſibility whatever attached to the Counſellors of the Queen, the Conſtitution knowing of no ſuch Council. Mr. M. A. Taylor.

Colonel *Phipps* conſidered the perſons named by his Right Hon. Friend to be the moſt proper to be appointed of her Majeſty's Council, four of them being to be permanent, having been choſen by his Majeſty for their ability and integrity, and by himſelf placed about his Royal Perſon, and the other four removeable by her Majeſty at her pleaſure. He wiſhed to know upon what principle her Majeſty was to be deprived of the choice of her own Counſellors, Colonel Phipps.

and

and contended, that if the Houſe agreed to ſuffer a Lord Chancellor for the time being, who was to be appointed by the Regent to be of her Majeſty's Council, that the truſt repoſed in her would be a mockery, and they would reduce her Majeſty to have no adviſers at all, or to have the adviſers of the Regency.

The Chairman called the attention of the Committee to the queſtion before them, which was, whether John, Lord Archbiſhop of Canterbury, ſhould be appointed a Counſellor to her Majeſty?

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, he believed the worthy Alderman was right in the point of order; but as the true object of order was to ſave time and ſhorten their proceedings, perhaps it would be moſt adviſeable to go into the whole ſubject at once. He conceived that it would be ſtrictly orderly, if the noble Lord thought proper, to propoſe at preſent to name the Duke of York, and move to poſtpone the name of the Archbiſhop of Canterbury, that would bring the whole ſubject under diſcuſſion.

Ld. North. Lord *North* ſaid, he was willing immediately to propoſe the names of the Princes of the Blood, and ſhould move that the name of the Archbiſhop of Canterbury be poſtponed, in order to move that the Duke of York ſhould be inſerted, by which means the Committee could at once enter into the debate on the general formation of the Council.

Mr. Sumner. Mr. *Sumner* conceived it improper that the names of their Royal Highneſſes ſhould be propoſed without their having been previouſly conſulted, eſpecially as they had objected to their names being inſerted in the Commiſſion.

Ld. North. Lord *North* ſaid, he ſhould have thought himſelf very preſumptuous if he had propoſed the names of their Royal Highneſſes without having previouſly communicated with them on the ſubject, and learnt that they had no objection to his making the Motions that he had propoſed.

Mr. Sheridan. Mr. *Sheridan* ſaid, in order to ſhorten the Debate, would it not be better for the Right Hon. Gentleman to withdraw his Motion?

Mr. Bouverie. Mr. *Bouverie* wiſhed to know whether the Council were to be reſponſible for their advice?

Mr. M. A. Taylor. Mr. *M. A. Taylor* ſaid, that as no learned Gentleman roſe to anſwer the queſtion of his Hon. Friend, he would inform him, that, according to the Clauſe, they were not reſponſible.

Mr.

Mr. *Addington* said, they were clearly responsible, being obliged to take an oath of office. If, therefore, a suspicion existed of their having given her Majesty improper advice, they would be liable to impeachment. Mr. Addington.

The *Chancellor of the Exchequer* said, they had used more time in discussing the Question of Order, than the Debate perhaps would have occupied. They were then in danger of two Debates going on under the form of one; perhaps therefore it would, upon second thought, be better for him to recur to his first mode of proceeding, and put the question regularly, on the eight names he had stated, before the noble Lord's Motion was let in. Mr. Pitt.

Mr. *Bouverie* said, the Hon. Gentleman over the way had fairly answered his question, but he did not understand how there could be responsibility, without a power to call to account. Mr. Bouverie objected to the word "John," in the motion, and said he would move to have the Archbishop of Canterbury, for the time being, appointed. Mr. Bouverie.

Mr. *Powys* thought the preliminary debate useful, and asserted the necessity of considering the powers and responsibility of the Council, previous to the appointment of those who were to form it. He wished to know from the Right Hon. Gentleman, if convenient, to what manner, and to what extent, the responsibility attached to the Council. Mr. Powys.

The *Chancellor of the Exchequer* said, it was not at all inconvenient to him to give a perfect answer to any thing that was asked. No trust could be created by any means affecting the public interest, or could exist without public responsibility. According to every principle of the Constitution, every trust appointed under Government had responsibility attached to it to the country. Whatever advice the Council should give to her Majesty, they would be responsible for such advice; and if the House should see sufficient reason to think that by such advice either his Majesty or the Constitution was in danger, they had the same power to enquire who were the advisers, and call her Majesty's Counsellors to account, as they had to call on the Officers of Government. Mr. Pitt.

The *Attorney General* said, the House might, on any suspicion of ill-advice, address her Majesty to name her advisers; that those persons were always answerable, but particularly in a parliamen- Sir A. Macdonald.

tary truſt, and the Houſe might proceed againſt them in a parliamentary way.

Mr. Bouverie. Mr. *Bouverie* aſked if the Queen could not act contrary to the opinion of her Council, and if ſo, he conceived, there could be no reſponſibility.

Mr. M. A. Taylor. Mr. *M. A. Taylor* contended again, that there exiſted no reſponſibility in the Council; if there was any reſponſibility at all, it reſted with the Queen, for the Law ſaid the King, but not the Queen, "could do no wrong."

Mr. Anſtruther. Mr. *Anſtruther* ſaid, nothing was ſo clear as this: no truſt can be abuſed, without reſponſibility in the perſons ſo abuſing their truſt; and it was thence evident, that there could be no Parliamentary truſt without reſponſibility being attached to it. His objection did not lie on that account againſt the Clauſe, but he objected to the power given to the Queen of acting without her Council, in which caſe no reſponſibility could attach.

Mr. Burke. Mr. *Burke* ſaid, the Queen was reſponſible as a ſubject, and doubly ſo as a truſt was given to her. He agreed that no truſt could be given without reſponſibility; in the preſent inſtance, however, the principle was recognized and violated; for though a reſponſibility was avowed, there were no traces by which that reſponſibility was to be found. In the Clauſes appointing the Prince to the office of Regent, the greateſt was by oath; but in the Queen's truſt there was no oath, nor any trace of a truſt; and though meant to ſtand apparently and avowedly as a truſt, it was not guarded as if it were really ſo. This therefore was like what Macbeth ſaid of the witches,

> They keep the word of promiſe to the ear,
> And break it to the hope.

It had been urged, that the reaſon for not propoſing the Princes of the Blood was out of reſpect to them; a reſpect which was a perpetual diſqualification, like the reſpect of the Epicureans for their Gods. That reſpect was to put the Princes of the Blood out of the Commonwealth, becauſe they were the firſt perſons in it. In the Regency Bill of George the Second, he ſaid, he found the Duke of Cumberland, and yet had the modern doctrine prevailed at that day, inſtead of ſuffering the Duke to go and obtain a glorious victory over the Rebels, the language would have been, "Oh, don't let him go, becauſe he may be tried by a Court Martial for abſence from

from duty, or ſome other criminal neglect." He mentioned other inſtances of Princes of the Blood having been entruſted with ſituations of the greateſt reſponſibility, and of the preſent Princes holding offices of truſt and reſponſibility, and ridiculed the idea of any diſreſpect being offered in putting them into ſuch ſituations; on the contrary, he conſidered it as an additional inſult to the Royal Family, and as a groſs diſreſpect to the King, that it was attempted to prevent the Princes of the Blood being of the Queen's Council. He contended that the Bill was not calculated to ſhew reſpect to his Majeſty, but to manifeſt an intereſted regard for the Houſehold in its authors, and a determined effort for the ſupport of a faction. The framers of it had firſt proceeded to a violation of precedents, next to a violation of law, then to a violation of the Conſtitution, and now they had arrived to a climax of violence, a violation of the law of nature. This reminded him of a line of Pope—

Star after Star goes out, and all is Night.

He added a variety of other arguments, and concluded with deprecating the clauſe, which, he ſaid, went to ſow diſſentions in the middle of the Royal Family, to break the bonds of domeſtic union, and to raiſe the ſervants above their maſters, who were ſhut out and excommunicated.

Mr. *Powys* ſaid, that having by a diſtinct Clauſe attached reſponſibility to the Prince of Wales, they ought to attach it to the guardians of the King's Perſon. Mr. Powys ſaid, he was not preſent when the Right Hon. Gentleman had propoſed the Archbiſhop of Canterbury, he reprobated the nomination of the whole eight, as conſtituting a garbled, ſtrange, and inconſiſtent monſter, part being named as private characters, and part as official ones. Mr. Powys conſidered that thoſe who occupied the offices for the time being, were the proper perſons to be of her Majeſty's Council. Mr. Powys.

Sir *R. Sutton* ſaid, that counterſigning made a perſon reſponſible: by Addreſs to the Queen to know who the adviſer was, evil adviſers might become at. Sir Richard animadverted with great apparent knowledge of the ſubject, on former Regency Bills, and pointed out the word *truſt* in the part of the Bill appointing the Queen guardian of the King's perſon. Sir Richard Sutton.

Mr.

Mr. Burke. Mr. *Burke* ſaid, the Queen's guardianſhip of the King's perſon was called a truſt in the Bill, but it was not provided for. They had made others reſponſible, but they had not made the Queen reſponſible.

Mr. Bouverie. Mr. *Bouverie* begged pardon for being ſo pertinacious, but really he did not think his queſtion had been anſwered. Was the Queen to have a Council without preciſe reſponſibility? If the Queen was to aſk the advice of her Council, and afterwards to act contrary to it, who could be reſponſible?

Mr. Pitt. The *Chancellor of the Exchequer* wiſhed the Committee to come to a deciſion on the Queſtion before the Houſe, and expreſſed his readineſs to meet the Motion of the noble Lord afterwards.

The queſtion was then put upon the amendment propoſed, that the word 'John,' be omitted, which being negatived, the original Motion, that John, Lord Archbiſhop of Canterbury, be one of her Majeſty's Council, was carried without a diviſion.

Mr. Pitt. The *Chancellor of the Exchequer* next moved, "that Edward Lord Thurlow be one other of her Majeſty's Council."

Lord *North* roſe and ſuggeſted the propriety of moving the names of the Princes before the queſtion on Lord Thurlow's name.

The *Chancellor of the Exchequer* objected to poſtponing the Lord Chancellor's name.

Lord North. Lord *North* again roſe for the purpoſe of moving the name of Edward Lord Thurlow to be poſtponed, that they might at once go into the debate on the propriety of inſerting the names of the Princes of the Blood. His Lordſhip wiſhed to know, why all that were propoſed to be of the Council, were not propoſed in virtue of their offices, and not by name? He objected to the naming of the Lord Chancellor by name after the Archbiſhop of Canterbury. The Lord Chancellor was next in rank, but not Edward Lord Thurlow. Viſcount Weymouth, the Earl of Saliſbury, and the Dukes of Montague and Chandos were each of them of higher rank. His Lordſhip obſerved, that the determination to exclude any perſon of the Regent's appointment from attending in the Queen's Council, would create jealouſies and ſuſpicions, that all was not fair that was carrying on, which ſurmiſe would be prevented by introducing the Princes of the Blood to the Council. His Lordſhip concluded by moving to poſtpone the name of Edward Lord Thurlow.

Mr.

Mr. *Dundas* ſaid, they were called on to diſcharge a very deli- Mr. Dundas
cate and important duty. While their Sovereign was labouring under a critical diſeaſe, they were to place around the Queen, Counſellors to adviſe her in the diſcharge of the duty, which the Legiſlature was about to impoſe on her. In providing for the care of the King's perſon, they ſhould do it ſo as to ſatisfy the nation at large. The Queſtion, whether Edward Lord Thurlow ſhould be of the Queen's Council, he ſhould vote for it, becauſe in ſo doing he conſulted the ſafety of the King and the peace of the Queen; if they agreed to appoint him by virtue of his office, he might not be of her Majeſty's Council two hours; he might be removed from his office, and any man wearing a black gown in Weſtminſter Hall, placed in his ſituation. Conſidering the ability, integrity, and manly ſpirit of the Lord Chancellor, and conſidering that he had in ſo eminent a degree poſſeſſed the confidence of his Sovereign, and that he now poſſeſſed the confidence of the people, he ſhould give his vote, that Edward Lord Thurlow be one of her Majeſty's Council.

Lord *North* replied, and ſaid that he greatly eſteemed the cha- Ld. North.
racter and abilities of Lord Thurlow, and would, if the Motion ſhould be agreed to of appointing the Lord Chancellor for the time being, bring in a Clauſe to continue Lord Thurlow of her Majeſty's Council if he ſhould be removed from his ſituation.

Mr. *Dundas* replied, but ſtill objected to the Motion being poſt- Mr. Dun-
poned. das.

Lord *North* again ſpoke in reply. Lord North.

Mr. *Hawkins Browne* ſaid, the Regent ought not to have the Mr. H.
care of the Royal Perſon. Mr. Browne ſpoke in favour of the ap- Browne.
pointment of Lord Thurlow, and againſt the inſertion of the words, "Lord Chancellor for the time being," on the principle of not ſuffering any perſon of the Regent's appointment to be of her Majeſty's Council.

Mr. *Wyndham* ſpoke much at length in ſupport of the arguments Mr. Wyndham.
advanced by Lord North.

The queſtion for poſtponing being put, it was negatived, and the Motion for appointing Edward Lord Thurlow was carried without a diviſion.

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The other names (that of the Archbiſhop of York, Lloyd Lord Kenyon, and thoſe of the Maſter of the Horſe, Lord Chamberlain, and Lord Steward) were ſeverally put and agreed to.

As ſoon as the *Chancellor of the Exchequer* had moved the eight names regularly, and the queſtion been put upon each, and the Committee had decided that thoſe eight names ſtand as the names of eight Members of the Council,

Lord North. Lord *North* moved "That his Royal Highneſs the Duke of York and Albany be a Member of the ſaid Council."

Mr. Pitt. The *Chancellor of the Exchequer* obſerved, that although the noble Lord had thought proper to make the Motion, without advancing any arguments in its ſupport, yet agreeable to his declaration, that when the proper time ſhould come for it, he ſhould be ready to ſtate his reaſons, why he thought it neceſſary to give his vote againſt the Motion, he would proceed to ſtate thoſe reaſons. Poſſibly what he had to offer, as well as his conduct on that occaſion, might be placed in the catalogue of diſreſpect, and added to the other imputations ſo unjuſtly charged upon him of meaning to manifeſt a want of due attention and regard to the younger branches of the Royal Family; be that as it might, ſo long as he was conſcious of acting upon no other principle, than an anxious deſire to diſcharge his duty faithfully, in a moment of great arduouſneſs and difficulty, he ſhould firmly adhere to the rule of conduct that he had laid down for himſelf, as moſt advantageous to his country, and as beſt becoming his own character, perfectly regardleſs of any conſequences, however perſonally injurious they might be to him. The firſt matter to be conſidered, was, he ſaid, the nature of the Council in queſtion, which was to be a Council of Advice, and a Council of Advice only. It had been ſaid to be a truſt, but the truſt was to adviſe her Majeſty in the care of his Majeſty's perſon. The noble Lord had propoſed that the Duke of York, the ſecond ſon of the King, ſhould be a Member of that Council. Perhaps the reaſons aſſigned by a noble Friend of his, a noble Marquis, who ſpoke early in the debate, was of itſelf ſufficient to ſhew that the appointment of his Royal Highneſs to be a Member of that Council, would be both unneceſſary and improper; his noble Friend's argument remained to that moment unanſwered. Moſt certainly there could be no occaſion to put thoſe Princes of the Blood, who were

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of courſe the natural adviſers of her Majeſty, into a reſponſible ſituation, and make them Members of a council, who were to adviſe the Queen when called on ſo to do, and were to anſwer for that advice. In the common tranſactions of the care of his Majeſty's perſon, her Majeſty would naturally conſult the perſons of her own family; but when an act was to be done of a much more important nature, ſhe would then call upon her Council, who ought to be perſons diſintereſted in the advice they might give, (farther than as their general wiſhes for the reſtoration of his Majeſty's health, which they muſt feel in common with the reſt of his Majeſty's ſubjects, ſhould make them otherwiſe) and who would neceſſarily be the beſt able to adviſe her Majeſty. Whatever, therefore, they might do in form, it was clear that in the appointment of the truſt, whatever the advice might be that was given, the authority to act upon ſhould be in a ſingle perſon. Another reaſon why it would not be right in his mind to name the Duke of York was grounded on thoſe general principles upon which it had been deemed improper to let the Prince of Wales have any concern in the care of his Majeſty's perſon. It was the ſituation and not the character of the Prince that precluded him from being named to ſhare in the office of the Committee of his Majeſty; he who was to be Regent ought not to have any concern with the care of the King, becauſe being next in ſucceſſion he was not fit to interfere with that concern. If, therefore, the Prince of Wales was unfit for ſuch an interference, reſpect to him made it neceſſary to extend the ſame general principles to the Duke of York, and the reſt of the Royal Family.

Lord *Beauchamp* differed from the Right Hon. Gentleman, and thought the Princes of the Blood the propereſt perſons to adviſe her Majeſty concerning a truſt, in the due execution of which they were ſo deeply intereſted. It became the Committee, his Lordſhip ſaid, to give a preference to thoſe who, in point of ſituation, of duty, and affection, were the fitteſt perſons to aſſiſt the Queen with their advice. His Lordſhip adverted to the ſubſequent part of the Bill, where the Council were to act in the diſcharge of a very great and important truſt, that Clauſe which provides in what manner they ſhould proceed on his Majeſty's recovery, and declares under what circumſtances the Reſtoration of his Majeſty ſhould take place. That

Lord Beauchamp.

and

and the other Houſe of Parliament had taken upon themſelves to pronounce his Majeſty's incapacity, after a proper examination of his Majeſty's Phyſicians, but the Bill took the more important proceeding to reſtore his Majeſty to his Government, out of their hands, and intended to ſubſtitute that Council on this very delicate queſtion, and that not only when Parliament was not ſitting, but even during the ſitting of Parliament. His Lordſhip dwelt on this very ſerious innovation on the power of the Legiſlature, and the functions of that Houſe. The adoption of the other branches of the Royal Family would, he ſhould imagine, be moſt pleaſing to her Majeſty, and equally neceſſary in a public light. His Lordſhip reminded the Committee, that they were to propoſe a Council ſuch as the Parliament and the people of Ireland would approve, becauſe it was to be conſidered that the ſame Prince who ſat upon the Throne of Great Britain, muſt ſit upon that of Ireland; they ought, therefore, to take the ſame means as the people of Ireland would be willing to adopt, and how was he or any perſon ſure that the people of Ireland would leave the adviſing of her Majeſty, in reſpect to her care of the King's perſon, to a Council which they knew nothing of, and which was different from all other Regency Bills? His Lordſhip urged ſeveral other arguments, and ſaid, the inſertion of the other branches of the Royal Family would not make the Council too numerous, and he declared, that he did not think, without the Rt. Hon. Gentleman was to ſtate ſtronger objections againſt following the precedents of former ages, that they ought to be departed from. In every former Regency Bill, ſome of the Royal Family were included; in the preſent Bill, they were ſtudiouſly excluded, and that without any ſufficient reaſon, as far as he was capable of judging. His Lordſhip concluded with declaring, that he ſhould vote for the noble Lord's Motion.

Lord North. Lord *North* ſaid, the Right Hon. Gentleman had ſeemed to wonder that he had made the Motion, without accompanying it with much argument; the reaſon was, his Lordſhip ſaid, becauſe he conceived he had argued it very ſufficiently when he had firſt riſen in that day's debate; if the Right Hon. Gentleman, however, thought it wanted argument, he would ſtate a few more reaſons why he thought the Committee ought to adopt it. The Right Hon. Gentleman had alluded to the ſpeech of a Noble Marquis,

Marquis, and had ſaid it remained unanſwered. The Noble Marquis had ſaid, the Queen might, if ſhe pleaſed, call for the counſel of the Princes, and therefore there was no occaſion that they ſhould be Members of the Council of Advice. The Queen might, his Lordſhip ſaid, if ſhe pleaſed, call for the advice of any one or all of the eight perſons named for her Council, juſt as much as ſhe ſhould call for it in their capacity of counſellors. The Privy Council, his Lordſhip ſaid, was in a great meaſure a Council of Advice. The Princes of the Blood were Members of the Privy Council, and when they attended a Privy Council called by the King, they attended a Council of Advice. The Council to be appointed under the authority of the Bill was, his Lordſhip ſaid, not long ſince ſtated to be a Council of Advice, but afterwards to be ſomething more, becauſe they were to be partakers of the act of reſtoring his Majeſty to his government. The Right Hon. Gentleman had ſaid that they ſhould not truſt the perſon of the King to the Succeſſor of the Crown. That principle, his Lordſhip ſaid, went too far; it was a barbarous principle, that excluded every one of the Royal Family from thoſe Councils and that advice. He contended that there was not any rule that could ſupport excluding the Succeſſor from a Council to conſider what was beſt for the care of the health and the preſervation of his Majeſty. The principle laid down, therefore, was a barbarous principle, carried to the height of barbarity. His Lordſhip animadverted on the rule of conduct that the Bill preſcribed for the Queen and the Council on the King's recovery. They were immediately, he obſerved, to ſend an account of it to the Lord Mayor of the city of London, and cauſe it to be printed in the London Gazette. The public, his Lordſhip ſaid, he was ſure would like the Queen's certificate of the King's recovery better, if ſome of the Princes of the Blood were in the Council. He put the caſe of her Majeſty's death. Should the Queen die, his Majeſty would be in the hands of not one of his own blood, a circumſtance, in his opinion, extremely material to be conſidered.

Lord *Maitland* ſaid, there was not from the northernmoſt to the ſouthernmoſt part of the iſland one man that could urge a reaſonable objection againſt his noble Friend's Motion. The Right Hon. Gentleman, his Lordſhip obſerved, had ſaid, he truſted that the Lord Maitland.

ſide of the Houſe on which he ſtood would mention his conduct in the catalogue of diſreſpect imputed to him. He would not, his Lordſhip ſaid, notice it as a diſreſpect, but as an inſult to his Majeſty, an inſult to the Queen, and an inſult to the Prince of Wales. Was it to be believed that the Queen choſe rather to adviſe with the *menial* ſervants of his Majeſty, as the Right Hon. Gentleman had thought proper to ſtate them to be, than conſult with his relations? Sure he was, that when his Majeſty got well, he would look with pleaſure to the Reſolution of that Houſe, which made the Prince of Wales one of his Counſellors. His Lordſhip ſpoke of the comfort every man felt in being adviſed by his own relations. He put the caſe to Mr. Pitt, who had, he ſaid, ſo plentifully provided for his relations. When he looked to the Board of Treaſury, when he looked to the Board of Admiralty, when he looked to the Chair of that Houſe, he ſaw every proof of ——

Sir James Johnſtone.

Sir *James Johnſtone* roſe ſuddenly, and ſaid he would not ſuffer the Speaker to be abuſed.

Lord Maitland.

Lord *Maitland* ſaid, the Right Hon. Gentleman would not, he was ſure, conſider it as an inclination in him to abuſe the Speaker in what he had ſaid; he would therefore purſue the thread of his argument. If he thought the Prince of Wales was wicked enough to wiſh to preſerve the Government of the country when the King grew well, he would be the laſt man living to ſuggeſt his being of the Council. The Right Hon. Gentleman, his Lordſhip obſerved, when he could not produce any argument, had invented the device of calling it a queſtion of *feeling*; if therefore it was a queſtion of feeling, the queſtion then under conſideration was a queſtion of that nature, and he did not doubt it would revolt the feelings of all public men, when they came to hear that the Prince of Wales ſhould have been treated with ſo much diſregard, and ſo much marked inſult. The Right Hon. Gentleman had ſaid, that Lord Thurlow was a fit perſon to be a Member of the Council, becauſe the Noble and Learned Lord was high in his Majeſty's confidence. Had not his Majeſty ſhewn as much confidence in his Royal Highneſs the Duke of York? Would any man ſo much libel her Majeſty as to ſuppoſe that ſhe would not feel great comfort in the advice of her own ſon? There could not, his Lordſhip ſaid, be

but one opinion in the country, and that opinion muſt be, that the Duke of York, the two other Princes his brothers, and the Dukes of Glouceſter and Cumberland, ſhould be Members of the Council.

Mr. *Addington* much doubted, if there could be but one opinion in the country, whether that opinion was as the Noble Lord had ſtated it to be; certain he was there were ſufficient reaſons why that ought not to be the opinion of that Houſe. The Noble Lord in the Blue Ribband had declared, that he conceived the principle of excluding the Succeſſor to the Crown from the Council to adviſe her Majeſty in the care of the King's perſon, was a barbarous principle, carried to the height of barbarity. It was, nevertheleſs, Mr. Addington ſaid, the principle that governed the practice of the firſt Court of Equity in this kingdom, in all caſes concerning perſons labouring under the malady with which his Majeſty was unfortunately afflicted; the rule was, never to appoint the heir apparent, nor even the heir preſumptive, to have the care of the perſon indiſpoſed, but to take, as the moſt unexceptionable, the individual leaſt intereſted in the death of that perſon. The Queen ſtood preciſely in this predicament. Her Majeſty, for a thouſand reaſons, was the moſt proper to have the care of the King's perſon, and the Prince of Wales was, for a variety of very different reaſons, unfit to take any ſhare in that concern. The Noble Lord, Mr. Addington obſerved, had ſaid, that in caſe of her Majeſty's death, the Council would have the care of the King's perſon. If the Duke of York, therefore, was to be of the Council, and the Prince of Wales were to die, the Duke of York ſtanding then as Heir Preſumptive to the Crown, would have the cuſtody of the King's perſon, which would be highly improper. When the death of the Queen ſhould happen, the Bill had provided for the circumſtance. The only caſe in which the Queen ought to act under the Bill by herſelf, was in regard to the reſumption clauſe, and the Bill eſpecially defined what was to be the line of proceeding to be adopted. Mr. Addington aſſigned as an additional reaſon why the Duke of York, and the other Princes of the Blood, ought not to be of the Council, that their over anxious wiſhes for his Majeſty's recovery, might make them too zealous, and induce them to pronounce that his Majeſty was in a ſtate of

Mr. Addington.

ſanity, before his reſtoration to health was complete. Mr. Addington, before he ſat down, ſolemnly declared, that in regard to the meaſures lately purſued, in conſequence of his Majeſty's unfortunate illneſs, he had acted from principle; he had maturely conſidered every part of the ſyſtem; he had voted upon conviction in conſequence, and he felt a pride and a pleaſure in having given his feeble ſupport to his Right Hon. Friend.

Lord North. Lord *North* roſe to explain. His expreſſion, that excluding the Succeſſor to the Crown from the Council, was puſhing a barbarous principle to a barbarous extent, was not his own expreſſion, but an expreſſion of Lord Chancellor Macclesfield, in a ſimilar caſe to the preſent. The Hon. Gentleman, his Lordſhip obſerved, had argued thus, "Would you, ſaid the Hon. Gentleman, truſt the Preſumptive Heir to the Crown with the care of the King's perſon?" The Duke of York, his Lordſhip obſerved, was not the Preſumptive Heir to the Crown, nor would he have, if named one of the Council, any ſort of controul over the Queen. He was only as other Counſellors were, recommended to adviſe her Majeſty when ſhe called for that advice.

Mr. Burke. Mr. *Burke* roſe, and there being a call from ſome of the Committee for the Queſtion, he ſaid it was natural for thoſe who diſſented from the majority to wiſh to be heard. The Committee had now got, Mr. Burke ſaid, two principles laid down, and thoſe as oppoſite to each other as light to darkneſs; the Hon. Gentleman who had ſpoken laſt but one, had ſaid the Duke of York ought not to be of the Council, leſt his too great zeal ſhould prompt him to pronounce the King well before he was ſo, and the Right Hon. Gentleman had ſaid, the preſumption was, that from the Princes of the Blood being intereſted, his Majeſty might not be reſtored to his Government when his health was eſtabliſhed. Mr. Burke reaſoned upon theſe contraſted and different diſqualifications, and denied that they could both be founded. He ſaid, Gentlemen were fond of reſorting to the dark and barbarous time of Henry the ſixth; a period before our Conſtitution was formed. He would refer them to more modern times, to the Regency Bill of the fifth of the preſent King, a Bill brought into Parliament at the inſtance of the King himſelf. In that Bill, the King was enabled to nominate a Regent, but diſabled from naming any but his

his Succeſſor. Mr. Burke laid great ſtreſs on the wording of that ſtatute, and aſked whether it was right to exclude all the ſons of a father from having any ſhare in the cuſtody of his perſon. He was, he ſaid, himſelf a father, and the Noble Lord was likewiſe a father. He appealed to the Noble Lord, and to all fathers, how they would feel, on recovering from a dangerous and ſevere malady, if they found their ſons had been debarred all ſhare of the cuſtody of their perſons. For his part, Mr. Burke ſaid, he ſhould regard that man as a murderer, that had ſo excluded his ſon. He exclaimed againſt the times; they were, he ſaid, ignorant times, not barbarous, becauſe he really thought there was enough of urbanity and ſoftneſs of manners; but ignorant, becauſe mankind in general now drew all their information from newſpapers and magazines. The learning of this day was bad learning, which was the worſt ſort of ignorance. The Right Hon. Gentleman had ſaid, "let us have Members of the Church, and Guardians of the Laws, of the Council, and Officers of the Houſhold." He knew not one of the perſons in office, but he knew that the Queen might change the Houſhold the next day, and new perſons would be her adviſers. He declared he would not vote with the Right Hon. Gentleman, but with the laws of his country.

The Queſtion was put, and the Committee divided.

Ayes 130 *Noes* 177

His Royal Highneſs Prince William Henry was then propoſed, and the Committee divided again. *Ayes* 128——*Noes* 176.

His Royal Highneſs Prince Edward was negatived without a Diviſion.

The Committee divided on the Duke of Glouceſter's name,

Ayes 129 *Noes* 178

The Duke of Cumberland was negatived without a Diviſion.

Mr. *Dempſter* propoſed the Speaker of the Houſe of Commons for the time being. Mr. Dempſter.

The *Chancellor of the Exchequer* ſaid, on every account, from friendſhip, affection, and conſanguinity, he might well be ſuppoſed to be partial to the preſent Speaker of that Houſe, but he could not agree, that he ought to be a Member of the Queen's Council. The four that had been firſt voted Members were the heads of the Church and the Law; and the four laſt were the principal Mr. Pitt.

principal Officers of his Majeſty's Houſhold; whereas the Speaker of that Houſe was of neither deſcription.

The Queſtion was put and negatived.

The Lord Mayor of London for the time being was next propoſed, and negatived on the Queſtion put.

At length, after ſome deſultory converſation, they came to the Clauſe containing proviſions for his Majeſty's being reſtored to his Government on his recover , when

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, though they were all agreed as to the object of the next Clauſe, yet, as from what he had heard, there was likely to be a good deal of difference of opinion about the means of attaining it, he thought it would be adviſeable to adjourn, and come freſh to the diſcuſſion the next day. He only wiſhed the Committee to underſtand that it was his intention to make the Report immediately after the Committee had got through all the Clauſes.

The Chairman was directed to report progreſs, and aſk leave to ſit again.

The Houſe being reſumed, adjourned.

Wedneſday, February 11.

REGENCY BILL.

The Chancellor of the Exchequer having moved the Order of the Day, and the Houſe being reſolved into a Committee of the whole Houſe, Brook Watſon, Eſq; in the Chair,

The 26th Clauſe was read, providing for his Majeſty's reſumption of his Government, which is as follows:

"*And be it further Enacted* by the Authority aforeſaid, That when it ſhall appear to her Majeſty the Queen, and to of the Council appointed by this Act to aſſiſt her Majeſty in the Execution of the truſt committed to her Majeſty by this Act, that his Majeſty is reſtored to health, it ſhall and may be lawful for her ſaid Majeſty, by the advice of of her ſaid Council, to notify the ſame, by an inſtrument under her Majeſty's hand, and ſigned alſo by the ſaid of her Majeſty's ſaid Council, and addreſſed to the Lord Preſident of his Majeſty's moſt Honourable Privy Council for the time being, or, in his abſence, to one of his Majeſty's principal Secretaries of

of State; and the ſaid Lord Preſident, or Secretary of State, ſhall, and is hereby required, on the receipt thereof, to communicate the ſame to the ſaid Regent, and to ſummon forthwith a Privy Council; and the Members of his Majeſty's moſt honourable Privy Council are hereby required to aſſemble in conſequence of ſuch ſummons; and the ſaid Lord Preſident, or, in his abſence, the ſaid Secretary of State, in preſence of any or more Privy Counſellors ſo aſſembled, to cauſe the ſaid inſtrument to be entered on the books of the ſaid Privy Council, and immediately thereafter to ſend a copy of ſuch inſtrument to the Lord Mayor of the City of London, and likewiſe to cauſe the ſame to be printed in the London Gazette."

The *Chancellor of the Exchequer* ſubmitted to the Committee, whether he ſhould enter into the general ſtatement of the Clauſe, for the purpoſe of rendering the debate more convenient, previous to his moving the filling up the blanks. Mr. Pitt.

Mr. *Burke* ſaid, in his opinion that would be the moſt convenient mode. Mr. Burke.

The *Chancellor of the Exchequer* again roſe, and obſerved, that the firſt blank he meant to propoſe to be filled up with the word, "Five." In conſidering this Clauſe, it was, he ſaid, neceſſary to conſider the ſubſequent ones, they being all connected together. The general principle of the Clauſes he need not argue, as the proviſions for his Majeſty's reſumption of his Government, aroſe out of every principle of regard to the Conſtitution, the law of the land, of the allegiance they all owed to their King, and out of the Reſolutions themſelves, which were profeſſedly calculated for the interval of his Majeſty's indiſpoſition alone. The general principle felt by the public was, that the whole of this meaſure was calculated only for the duration of that neceſſity; in policy they were alſo bound to take meaſures that the Regency ſhould continue no longer than the happy moment of his Majeſty's capability to reſume his right; it could not be the wiſh for it to laſt any longer; the point they were then conſidering was, he ſaid, of the greateſt importance. It was his Majeſty's undoubted right to reſume the perſonal exerciſe of the Royal Authority as ſoon as he was capable of it. They were providing for that right, and in ſo doing, they ought to provide according to the Conſtitution, Mr. Pitt.

that they ſhould not be thought to be trenching on Royalty, and if they went any farther than the neceſſity of the caſe, they ſhould be *uſurping* to themſelves a right of transferring the King's undoubted right to another. As long as there exiſted the neceſſity of his Majeſty's remaining in the care provided for the Royal Perſon, they could not look for one Royal Act from him; the firſt preliminary, therefore, was, that previous to his Majeſty's reſuming the Royal Authority, the Queen and her Council muſt notify that the infirmity no longer ſubſiſted. And when the Queen and her Council ſuggeſted that the infirmity no longer exiſted, his Majeſty would have a clear indiſputable right to reſume his Government; upon ſuch notification of the capacity of his Majeſty, he would not be able to do any act of royalty, but through ſome oſtenſible channel. When his Majeſty ſhould no longer be infirm, he muſt act as a King through ſome oſtenſible channel; it was then the duty of that Houſe to provide for his Majeſty that oſtenſible and fit channel, through which he would have to communicate his act to the Parliament and the people. In providing ſuch channel they were to look to oſtenſible perſons, to the Privy Council; thoſe who might on his Majeſty's recovery be in executive departments, would by no means be fit perſons to conſider his Majeſty's capability of returning to his Government; the mode therefore propoſed in the next Clauſe was, that thoſe who ſhould be at the time, or ſhall have been, of his Majeſty's Privy Council, and who ſhould be ſelected by his Majeſty, to any number not leſs than *nine*, he meant to propoſe, ſhould be the channel of communication, and if *ſix* of ſuch Privy Council ſhould agree with the repreſentation of the Queen and her Council, that his Majeſty's infirmity no longer exiſted, and ſhould have counterſigned the proclamation, they would be the channel through which his Majeſty would have to communicate to the public his happy recovery. The principles he went upon then were, that while his Majeſty's infirmity continued, he could not do one royal act; that, when it ceaſed, his Majeſty would have an indiſputable right to aſſume the reins of Government; that ſuch recovery muſt be communicated through ſome oſtenſible channel; that thoſe who were in executive departments at the time would be unfit perſons; and that thoſe who were, and had been of his Majeſty's Privy Council,

Council, would be the proper channel through which his Majeſty's recovery was to be communicated to the country, for which they would be reſponſible, and upon ſuch notification the Regency would immediately ceaſe. There could not a doubt exiſt, he ſaid, under ſuch guards, that his Majeſty would prematurely be reſtored to his Government; the Queen and her Council were to make ſuch notification to the Preſident of the Council, and on his Majeſty's requiſition, under his ſign manual, a Privy Council were to aſſemble, and by that reſponſible channel was his Majeſty's Proclamation to be counterſigned, and the Parliament were to meet immediately. He ſaid, he would not ſuppoſe it poſſible that under ſuch care, a reſumption could take place under doubtful or equivocal circumſtances: it would be a reſumption Parliament would have to meet and contemplate with joy; a reſumption long wiſhed for by a people whoſe ardent and hourly hopes were for his Majeſty's ſpeedy recovery.

Mr. *Powys* thanked the Right Honourable Gentleman for having ſtated in this buſineſs the principles of a ſyſtem quite novel, incongruous, and unconſtitutional. He declared he wiſhed to introduce ſpecific Amendments of a quite contrary nature to thoſe propoſed, to controvert ſuch pernicious propoſitions. He truſted that the Houſe would reſiſt them *in toto*. He wiſhed to ſupport the honour, the dignity, and the loyalty of the two Houſes of Parliament, which were groſly inſulted by an attempt made to ſupercede the Rights of Parliament, and put them into the hands of a hacknied and garbled junto. Mr. Powys ſaid he had viewed none of the Clauſes with greater ſurprize than this. The Right Hon. Gentleman had declared that his Majeſty, while his incapacity exiſts, could do no one Royal Act; but the Clauſe provided for the exerciſe of ſuch act, when his Majeſty ſhould be *ſuppoſed* not to be incapable. The Hon. Gentleman, he obſerved, had ſtated the great certainty of the reſponſibility of the Queen's Council; but how were they reſponſible! They were to be made penally reſponſible for that act, of which they could not diſtinguiſh the motives. It was ſtated in the Clauſe, that the moment it was made appear to the Queen, that his Majeſty was recovered, ſhe was to do ſo and ſo, but how was it to be made appear? The Hon. Gentleman had ſhewn great ſuſpicion in this caſe, not of

Mr. Powys.

one,

one, but of all the three branches of the Legiſlature. Was there, in fact, a ſuſpicion of any one branch of the Legiſlature? If ſo, there ſhould be a ſuſpicion of the others. But he found there was an intention to treat the Legiſlature, as the Right Hon. Gentleman had treated that Houſe. Parliament, he ſaid, had not gone on ſuppoſition to the point of his Majeſty's incapacity, but had proceeded in the moſt ſolemn manner to the inveſtigation of that fact, and in the ſame manner, he contended, they ought to proceed to the important point of his Majeſty's recovery. When his Majeſty ſhould awake from that ſlumber in which he then lay, and ſhould enquire into the tranſactions that had paſſed, and aſk by what authority he had been ſuperſeded in the exerciſe of his own functions, he would be told, "this was the act of your faithful Commons." He would hear, that by them he had been condemned to ſuperceſſion, by them he had been ſubjected to reſtriction. When his Majeſty ſhould aſk, have my ſons, my brothers been near me? The anſwer would be, no, Sire; Parliament has taken care that your ſons and brothers ſhould have nothing to do with you. When he ſhould aſk, have my other great officers had the care of me? The anſwer muſt be, no, Sir, they have had nothing to do with you. You owe it to four perſons, John Moore, commonly called Lord Archbiſhop of Canterbury; William Markham, commonly called Lord Archbiſhop of York; Edward Lord Thurlow, and Lloyd, Lord Kenyon. Did not this conduct, he aſked, tend to poiſon the Royal mind, and make his Majeſty think that thoſe four individuals were the pillars of his Throne? Within theſe two years they had ſeen a variety of extraordinary things. Gentlemen had ſeen the Executive Power uſed to degrade and diſgrace the Houſe of Commons; they had ſeen the Lords and the Commons made the inſtruments of mutilating the Executive Power; and that Houſe was now called upon to be the inſtrument of its own humiliation, and to declare itſelf not fit to be truſted with the re-inſtatement of their Sovereign. He hoped Gentlemen were not ſo loſt to a ſenſe of their own honour as to ſubſcribe to ſuch a diſgraceful doctrine, and ſo baſely degrade themſelves, as they were called upon to do by the Clauſe now offered to them. He meant to propoſe ſeveral Amendments, and to ſupport the Amendment of an Hon. Friend of his, behind him,

which he had ſeen and approved. For the preſent he entered his proteſt to the whole ſyſtem.

Mr. *Vyner* ſupported the argument of Mr. Powys.

Sir *Richard Sutton* ſaid, it was matter of ſurpriſe to him, that thoſe who ſome time ſince contended againſt the rights of Parliament to lay any Reſtrictions on the Regent, now came forward to reſtrict their lawful Sovereign. He ſaid his Majeſty's claim was irreſiſtible; the inſtant he recovered, ſo as to be able to reſume his Government, their authority fell to the ground, and there was an end to the Regency. He condemned the idea of the two Houſes going into an examination of the capacity of his Majeſty, upon his recovery, which he conſidered as highly injurious to his Majeſty's rights; and argued that it bore no parallel with the neceſſity of a parliamentary examination to prove the incapacity; the King not meeting his Parliament in perſon or by commiſſion, and a ſtop thence exiſting to all Executive Acts, it was neceſſary that the infirmity ſhould be proved, to ſhew the right of the two Houſes to provide for the exerciſe of the Royal Authority; but when his Majeſty was reſtored, ſhould they have an examination in Parliament to know whether they would admit him to exerciſe his undoubted Right? On his Majeſty's recovery he would recover his right, and Parliament would have no right to conſider of, for the exerciſe of the executive authority. Being convinced of the propriety of the Clauſe, Sir Richard ſaid, he would oppoſe the Amendment, and ſupport the Clauſe as it then ſtood. Sir Richard Sutton.

Mr. *Francis* ſaid, he ſhould trouble the Committee but for a few minutes, reſerving to himſelf to deliver his opinion more at large on the whole tranſaction, at ſome other period prior to its being completed in that Houſe. He ſaid, that among all the novelties, which had occurred in the courſe of this buſineſs, ſome of them alarming, and all of them ſurpriſing, nothing had ſurpriſed him more than that he ſhould now, he believed for the firſt time, not have been able to comprehend the meaning of the Chancellor of the Exchequer; that although he did not often aſſent to the opinions, and was ſeldom convinced by the arguments of that Gentleman, he generally, if not always, perfectly underſtood him; for few men, he confeſſed, had a clearer way of ſtating their meaning upon any ſubject, or making their ideas intelligible to thoſe, who heard Mr. Francis.

heard them. That, on the preſent occaſion, though he had liſtened to him with the utmoſt attention, he was utterly unable to conceive what he meant. That, whereas the queſtion before the Committee regarded the mode of eſtabliſhing, by ſufficient evidence, the truth of a moſt important fact, namely, the certainty of his Majeſty's recovery, the Right Hon. Gentleman had not ſaid one word about either fact or evidence, but had rung the changes a dozen times over, upon the words, *channel* and *channel of information*, without any apparent application to the ſubject, and in a way which conveyed no diſtinct idea whatever to his mind. Mr. Francis ſaid, that he had riſen to ſtate a preciſe ſpecific queſtion to the Gentlemen on the other ſide, to which, he hoped, ſome of them would condeſcend to give a clear, direct, and rational anſwer. He ſaid, that to every man who had had an opportunity of obſerving perſons afflicted with a diſorder of the mind, it was a truth which could admit of no diſpute, that to aſcertain the fact of the exiſtence of the diſorder was one of the eaſieſt operations on which the human judgment or obſervation could be employed. But that to aſcertain the fact of a real recovery was one of the moſt difficult points of enquiry, as well as the moſt doubtful in the reſult, that could be propoſed to human ſagacity. That a view of the perſon, or a converſation of a few minutes might be ſufficient to put the firſt out of all doubt; whereas, to aſcertain the ſecond, would require long, minute, and attentive obſervation; a variety of teſts, and a continued experience; and even with all theſe precautions, the inveſtigation might poſſibly end in finding a falſe fact. The party might deceive himſelf, and perſuade others to abet him in the deception. On this unqueſtionable truth, Mr. Francis ſaid, he founded his queſtion; namely, "*Since you have admitted that the interpoſition and cognizance of the two Houſes of Parliament was neceſſary to aſcertain and eſtabliſh the fact of the King's incapacity, that is to perform an act of no difficulty whatever, on what rational ground of diſtinction do you now aſſert, that the interpoſition and cognizance of the ſame judgment is not neceſſary to eſtabliſh and aſcertain the fact of his recovery, an operation in which, of all others, our obſervation, and even our experience, is moſt liable to be deceived? And if you thought the authority of Parliament was neceſſary to warrant the firſt fact to the ſatisfaction of the whole King-*

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dom, why do you think it unneceſſary to warrant the ſecond fact by the ſame authority? Why do you refer this queſtion to the deciſion of an inferior tribunal?

Mr. *Marſham* ſaid, Sir Richard Sutton's declaration that his Hon. Friend had reſiſted the Rights of Parliament, and now was going to make unneceſſary and unjuſt Claims for Parliament, appeared to him to be remarkable language. Mr. Marſham objected particularly to that part of the Clauſe, enabling his Majeſty to call in what Privy Counſellors he thought proper, to decide upon the Queſtion of his Majeſty's ability to reſume his Government. He had two Clauſes that he meant to ſubmit to the Houſe inſtead of the one propoſed by the Right Hon. Gentleman. They were to provide, that on the notification by the Queen of his Majeſty's recovery, Parliament ſhould, if ſitting, in not leſs than four days, nor more than ſix, after ſuch notification, order his Majeſty's Phyſicians to attend at the Bar, and to have a ſingle Queſtion put to each of them, namely, whether his Majeſty was capable to reſume the reins of Government? If the anſwers were given in the affirmative, the Houſes ſhould go up with an addreſs to his Majeſty praying him to reſume the reins of Government; and on ſuch an occaſion he was confident that the whole nation would go up with one voice, congratulating each other on the happy return of their Sovereign. This mode, he conceived, would be far more ſatisfactory to the people of England, than the one of the Privy Council, propoſed by the Right Hon. Gentleman. Mr. Marſham here read the two Clauſes he meant to propoſe; the firſt of which was, in ſubſtance, as above ſtated; and the ſecond gave the power to the Regent, and to Phyſicians to have free acceſs to ſee his Majeſty after the notification of his recovery. He concluded by obſerving, that if his Clauſes were rejected, the Houſe would give a deliberate opinion to certain Counſellors of their own appointment, which they would not truſt themſelves with. Mr. Marſham.

Mr. *Bouverie* was ſorry to differ from his Hon. Friend, but he ſaw no principle in his Clauſes, that was correct and conſtitutional, or that did not go too far. Mr. Bouverie.

Colonel *Phipps* argued for the Clauſe propoſed by the Right Hon. Gentleman. He urged the propriety of the examination that had taken place in the firſt inſtance, to prove the malady; and Col. Phipps

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the impropriety and indecency of taking a Parliamentary examination of his Majeſty upon his recovery. He aſſerted the right of the King to reſume his government the moment his infirmity ceaſed to exiſt. He wiſhed the reſumption to be brought forward in the moſt eaſy, and at the ſame time in the moſt reſponſible manner, and for that reaſon he objected to the interference of Parliament, who, not being a reſponſible body, were improper ſo to act; he wiſhed they might keep within their own bounds, and look after the reſponſibility of others; he wiſhed them not to drag their Sovereign to their bar, to be examined as to his recovery, but to be aſcertained by thoſe who had ſeen the progreſs of his recovery. He ſaw the King was mending. Dr. Warren, he obſerved, had ſigned his name that his Majeſty was better. Dr. Warren and the reſt of the Phyſicians, and not the Houſe, would ſee the progreſs of his recovery. The Colonel animadverted on the ſpeech of Mr. Powys. That Gentleman had ſaid, the King, on his recovery, would aſk, have my Parliament given me this power; my dear children; my brothers? *No.* The Parliament gave him the power, Colonel Phipps ſaid, at the time of the Revolution. He declared he wiſhed them not to take upon themſelves the part of a Republic, and when they thought proper, preſent a Crown, but to act as a Parliament belonging to a free Conſtitution at the head of it.

Mr. Sheridan.

Mr. *Sheridan* ſaid, he ſhould not have riſen after having heard the moſt able arguments he had ever heard, and the moſt extraordinary reſolves. The Hon. Gentleman had ſaid, the King had a right to reſume his Government, when recovered, and that it was his undoubted right. Nobody diſputed it. Nobody queſtioned the right. The real Queſtion was the fact of his Majeſty's being reſtored and capable of reſuming the Government, and the manner in which that ſhould be aſcertained, and the reſumption of his powers made. After paſſing that Bill, the real queſtion would ſtand that his Majeſty had no right, though his Majeſty would have an unqueſtionable right on his recovery. But what were the proper means to aſcertain that recovery? By the mode propoſed for his Majeſty's reſumption of his Government, it was to be under certain terms and conditions; who then were to be the judges of thoſe conditions, who ſo proper as the two Houſes of Parliament?—There was no perſon, he ſaid, doubted the propriety of going into

into an examination to prove the incapacity; it was their duty to do ſo, and it was equally their duty to take care to provide againſt any act of his Majeſty until his capability was known. By the preſent Clauſe they were about to delegate the truſt that belonged to themſelves, to others, and thereby depart from the duty they owed their country, and degrade themſelves by acknowledging that thoſe eight Counſellors of her Majeſty were more truſt-worthy than Parliament. After reprobating the powers of the Clauſe given for the reſumption of the Government, as dangerous, he ſummed up his arguments by ſaying, that they were about to delegate their authority into moſt ſuſpicious hands, into hands by no means proved to be fitter for the truſt than the Parliament; they were about to fall into the error, which the principle of their Bill was to guard againſt, namely, the ſuffering the Regent to have the power over the perſon of the King in many caſes, but in particular on the death of the Queen; they were putting themſelves into a ſituation, that the firſt notice they might have of his Majeſty's recovery, might be by a diſſolution of the Parliament; the ſecond ſtep his Majeſty might take, might be, under his Sign Manual, to appoint a new Regency, by Lords Juſtices, or otherwiſe; and that, when Parliament ſhould again aſſemble, they might meet, not his Majeſty, who might be relapſed, but his Commiſſion, without ever having any proof laid before them of his Majeſty's having ever recovered.

Mr. *Dundas* ſaid, Mr. Sheridan had ſtated the real queſtion, and argued very fairly, though he had contradicted by his practice what he had declared, that it was neceſſary to examine into the incapacity of his Majeſty, ſince out of that incapacity aroſe their right to delegate the Royal Authority. On his Majeſty's recovery, they would have no ſuch right; the right of exerciſing the Royal Authority attaching itſelf to the King the moment of his recovery. He agreed with the Hon. Gentleman (Mr. Marſham) that, on the happy and joyous day of his Majeſty's recovery, there could be but one ſentiment, one united effuſion of joy and gladneſs throughout the empire. He alſo agreed that it would become the Houſe to congratulate his Majeſty on his reſumption of the Government, but he could not agree with the Hon. Gentleman, that his Majeſty ſhould be retarded from his right of governing until they had addreſſed Mr. Dundas.

dreſſed him to take the reins of Government. The propoſition of his Right Hon. Friend was to enable his Majeſty to come down and meet his Parliament, on his recovery, in his own right as Sovereign. The other propoſition was to humble him to the character of a ſupplicant for his Throne, ſeeing his Authority exerciſed by another, in the perſon of his Regent. The ſyſtem propoſed by his Right Hon. Friend, went as near as was poſſible with the ſtraight line of the Conſtitution, guarding the ſafe return of his Majeſty to his Throne; and at the ſame time the right to aſſume his Government was ſo carefully guarded with every neceſſary proviſion and check, as to render it impoſſible that any reſumption ſhould take place in any way injurious or dangerous to the country. Gentlemen might talk what they choſe about the Council appointed to her Majeſty; but he would aſk them, individually, whether, in their own conſciences, they believed that thoſe great and reſpectable perſons would ſtate his Majeſty's recovery, in a public record, when they were convinced that ſuch recovery did not exiſt; he was convinced, by his own feelings, what the opinion of every impartial man muſt be, and what would be the opinion entertained by the public at large, it would be that they were not capable of ſtating on record what they were not convinced to be true. The Clauſe gave to that Council the power of being in the daily obſervation of every particular of recovery; they had the power of examining the Phyſicians, and every opportunity of being competent judges of his Majeſty's ſituation. It was true, that when her Majeſty thought the King recovered, ſhe was to notify that happy circumſtance; but ſhe could not do it alone; the Houſe had placed on her Majeſty a check of eight Counſellors for advice, without a majority of whom concurring in opinion with her Majeſty, ſhe could not notify ſuch recovery; and ſuch a check was, in his opinion, a ſufficient ſurety to the Houſe and the country that no premature reſumption would take place. Her Majeſty's Counſellors were men of ſtrong judgment, and of great loyalty and attachment to their Sovereign, and would not, by premature judgment, ſubject her Majeſty and the people to the pangs of having their King brought forward in a ſtate incompetent to the exerciſe of his Royal Functions. The Houſe would act wiſely in adopting the preſent mode propoſed for his Majeſty's

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return to his Government; it was not left to his Majeſty's own judgment to give the notification of his recovery, but to the Queen, and the majority of her Council; and before the recovery could be declared to the Empire, the Privy Council muſt concur with her Majeſty, and counterſign the Proclamation: there was an additional check even to theſe, and, which he did not conſider the leaſt, it was the opportunity given to his Majeſty to exerciſe his philoſophy and his religion, in revolving in his mind his ſituation, before he gave his proclamation, and came forth to his afflicted people, ſaying, "I am your King again." It had been aſked, what reſponſibility attached to the adviſers of her Majeſty, or to thoſe who counterſigned the Proclamation? He anſwered, the ſame reſponſibility that attached to any Privy Counſellor for advice given to the Monarch. Would any man of ſuch a deſcription as thoſe eight perſons who formed her Majeſty's Council, chuſe lightly or wantonly to take ſuch a truſt, or was it likely that they would abuſe it? If they betrayed the truſt repoſed in them by Parliament, Parliament would act conſiſtently in puniſhing them; it was, however, unlikely that ſuch a truſt ſhould be violated, when the fact of his Majeſty's recovery was to be given under the ſanction of the Queen, the Queen's Council, of his Majeſty, and laſtly, of the Privy Council. An Hon. Gentleman (Mr. Powys) had ſaid, that Parliament would be degraded, and that Gentlemen had ſeen that Houſe degraded and diſgraced; he agreed it had been degraded, not by the executive power, but by themſelves; inſulted they were, when thoſe who made claims in which they were not ſupported by them who ſent them to Parliament, the people of England; the perſons who brought forward thoſe claims, might be ſaid to have inſulted them; their conduct cauſed the people of England to addreſs the Throne to protect them from their violence, and the wiſe meaſure of that day, which returned them to their Conſtituents, was happily felt by the return of the preſent Parliament, whoſe meaſures had been admired and applauded throughout the country. He charged Mr. Powys with having acted in an *unmanly* way, by ſheltering himſelf behind the Previous Queſtion, when the Queſtion of Right was diſcuſſed. Mr. Dundas ſaid, he never would agree to any meaſure to throw obſtacles in the way of his Majeſty's reſuming his Government. Was it to be borne, that when his

his Majeſty was recovered, his Regent ſhould come down to the Parliament as King, make a ſpeech as King, while their Sovereign was to be a ſpectator of the pomp and ſhew from the windows of Buckingham Houſe? No, he would never agree to ſuch a conduct, and believed the Houſe and Country would revolt at it. He conſidered the plain queſtion before the Houſe to be, whether the mode propoſed was ſufficient to eſtabliſh the fact of his Majeſty's recovery, whenever that fortunate event ſhould occur? The fact ſo aſcertained would be ſufficient to enable the Privy Council to preſent the King to the ardent expectations of his people, and if they did it prematurely, they were puniſhable by Parliament. Thoſe, therefore, who agreed with him in thinking the powers ſufficient to aſcertain the fact, would not, he was convinced, ſubmit to have any other mode adopted, which might retard his Majeſty's return to his Government, and give him the uneaſineſs to ſee another meet his Parliament, and exerciſe his right.

Mr. Powys. Mr. *Powys* roſe to explain: he ſaid the Right Hon. and learned Gentleman had argued the matter fairly, and brought the queſtion to its true point, upon which they were at iſſue, viz. Whether his Majeſty, on the recovery of his health, ſhould reſume his Government upon the authority of the Parliament, or nine of his Privy Council. The Hon. and learned Gentleman, he avowed, had underſtood him right, when, by his declaration that Parliament had been degraded and diſgraced, he underſtood him to allude to the diſſolution of the laſt Parliament, after the promiſe given to the Houſe and the public, in the name of the Right Hon. Gentleman, that he would not adviſe his Majeſty to diſſolve the Parliament. Mr. Powys ſaid, if he had not underſtood the Hon. Gentleman to whoſe declarations he alluded, he was ſorry for it, he did not wiſh wilfully to miſunderſtand him, but if he had, he believed many miſunderſtood him in the ſame way as he did at the time. The Hon. and learned Gentleman had ſtated, that he took an *unmanly* part on a former day, in ſhrinking from the diſcuſſion of the Queſtion of Right. He did not ſhrink from it, Mr. Powys ſaid, but thought the diſcuſſion of the Right unneceſſary, and after giving his reaſons for being of that opinion, deprecated the diſcuſſion. With regard to the ſubſequent proceedings upon the Reſolutions, he had queſtioned the right of Parliament to parcel out the power of

of the Crown, and he had ſtated doctrines which he had found in books, that he conceived to be books of undeniable authority, which proved that ſuch a diviſion of the Royal Prerogatives, and ſuch a ſeparation of the regal power from the Kingly office, were neither legal nor conſtitutional. Having fully explained theſe points which Mr. Dundas had adverted to, Mr. Powys ſaid he hoped he did not tranſgreſs Order, but perhaps he did what was almoſt as bad, intrude upon the patience of the Houſe; he had riſen merely to confine himſelf to explanation, but might he beg permiſſion to add about ſix ſentences more. The Hon. and learned Gentleman had drawn the argument into a fair point of view, and had met what they on that ſide the Houſe had no ſcruple to avow to be their meaning, viz. that as Parliament had thought it to be their duty to pronounce the incapacity of his Majeſty to exerciſe the Royal Authority, Parliament ought to be enabled to enquire into the fact of his Majeſty's recovery, and to declare it previous to the reſumption of the perſonal exerciſe of the Royal Authority. But the Hon. and learned Gentleman had ſaid, ought his Majeſty to ſupplicate Parliament, and intreat, at their hands, a grant of that, which was his Majeſty's undoubted right to exerciſe, as ſoon as he was in a capacity to exerciſe it? In anſwer to that, he might aſk the Hon. and Learned Gentleman whether his Majeſty ought to ſupplicate nine of his own ſervants, perſons holding places under him, for that which was his undoubted right, becauſe if the nine Privy Council did not chooſe to join in the tranſactions, his Majeſty could not reſume his authority? The Hon. and Learned Gentleman had ſaid, they were all ſolicitous for his Majeſty's recovery, and his reſtoration to his Government; but were not Privy Counſellors equally ſolicitous, and equally anxious for it? The fact might be ſo, Mr. Powys ſaid, but it was a proceeding of too ſerious and too important a nature, to take place under the ſanction of any other authority than that of Parliament.

Mr. *Banks* roſe as ſoon as Mr. Powys ſat down, and ſaid it was not pleaſant to hear himſelf attacked, and not to be allowed to anſwer. The ſort of charge that had been made upon him by the Hon. Gentleman, had not that day been urged for the firſt time; if he recollected rightly, it had been urged before, more than once, Mr. Banks.

by the Hon. Gentleman; he begged leave, therefore, to ſay a few words in his own behalf. The Hon. Gentleman alluded to a declaration of his, made five years ago. At that time there had been a violent oppoſition to his Right Hon. Friend, whoſe opinion he had uttered on the occaſion, and whoſe commiſſion he had executed faithfully. He had no doubt, Mr. Banks ſaid, but that when he made the declaration, it was his Right Hon. Friend's determination ſtrictly to abide by it. He recollected there were reports of a ſpeedy diſſolution of Parliament, and the opinion he had delivered aroſe from this; an Addreſs was moved to be preſented to his Majeſty, ſtating, "that ſeveral weighty matters and proceedings were under the conſideration of Parliament, and praying that his Majeſty would lay aſide the exerciſe of his undoubted Prerogative, and not diſſolve the Parliament till they had decided upon the weighty matters that were before them." He lamented that a Right Hon. Gentleman was not then preſent, becauſe he was ſure his candour would induce him to confirm the ſtatement that was given. That Right Hon. Gentleman had objected to the declaration at the time, and with great fairneſs had propoſed a more Parliamentary mode of proceeding. The Right Hon. Gentleman had ſaid at the time, that the declaration of an individual Member, was not a fit ground for that Houſe to proceed upon, even if it had come from the beſt authority, meaning, no doubt, the Miniſter, (who had not been in the Houſe at the time) and therefore he had recommended an addreſs to the King, as a more clear and effectual way of getting an anſwer. He was not aware, Mr. Bankes ſaid, whether the Addreſs had been moved by the Right Hon. Gentleman himſelf [a general cry from the other ſide, of *No! No!* and Sir *William Cunninghame* ſaid, Mr. Eden] the Hon. Gentleman, however, had, in his opinion, diſcharged his truſt, though party ran high, and Parliament had, in his opinion, got out of its proper functions. His Majeſty was known to have changed his Miniſtry, and many violent proceedings took place, till at length Parliament was diſſolved. Mr. Bankes deſcanted on the difference between a declaration which the Houſe had acted upon, and a declaration that had not been acted upon; which latter was the caſe with the declaration that he had made. He laid great ſtreſs alſo,

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on an aſſertion, that a change of circumſtances had occurred between the time that the declaration had been made by him, and the diſſolution which actually took place afterwards.

The *Chancellor of the Exchequer* and Mr. *Powys* roſe together. Mr. Pitt. Mr. Powys however ſat down, declaring, that he would ſubmit to the *command* of the Right Hon. Gentleman. Mr. Pitt thereupon with great anger ſaid, the Hon. Gentleman would do well firſt to ſubmit to the orders of the Houſe, and next to conform to decency, and not wantonly introduce charges that were malicious and unfounded, reſpecting matters that had paſſed in that Houſe five years ago, and matters which had no relation whatever to the ſubject of the Debate. He ſpoke of the extreme diſorder of adverting to what had paſſed in another Parliament, and which had been repeatedly debated when the ſubject was freſh in their recollection. With regard to the matter itſelf, the Chancellor of the Exchequer declared, that had not his Hon. Friend thought it entitled to the notice which he had paid it, he would not have made the Hon. Gentleman over the way any anſwer; he had too much regard for the Houſe, and for the important ſubject of debate then before them, to waſte the time of the Houſe about it, and as to any imputation to be dreaded from it, his character, he truſted, was above it. There had been no engagement made in his name, and through his means, and if any one aſſerted that there was, he aſſerted a fact deſtitute of foundation.

Mr. *Powys* ſaid, the Right Hon. Gentleman had no right to Mr. Powys. aſſert in that Houſe, what he had imputed to his charge; and he denied that he had ſaid any thing that had either a malevolent or a malicious intention. He did not, Mr. Powys ſaid, ſtand on the haughty and arrogant ground which the Right Hon. Gentleman had taken; he did not ſay that his character was above the reach of calumny; he would ſay nothing of his character, but only appeal to the fact. The Hon. Gentleman who ſpoke laſt but one, had talked of a charge and an imputation being made againſt him; he begged that Hon. Gentleman to know, that when he meant to make a charge, he would not diſavow it. He believed that the Hon. Gentleman had very correctly ſtated to the Houſe what had paſſed upon the occaſion to which he referred, and he believed, that the Hon. Gentleman had meant nothing more, when he made

the declaration in queſtion, than honourably to diſcharge the truſt repoſed in him by his Right Hon. Friend, in the manner that he had ſtated.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, he felt too much the importance of the ſubject of the Bill then actually in debate, to ſay one word more reſpecting the declaration alluded to.

Mr. *Bouverie* ſaid, the promiſe that Parliament ſhould not be diſſolved, and the breach of that promiſe were in every man's mind——

Mr. Dempſter. Mr. *Dempſter* called to Order; he lamented that ſo much of the time of the Houſe had been waſted in diſcuſſing a ſubject which had no relation whatever to the actual ground of debate, and which happened in a time when party ran exceedingly high in that Houſe, and Gentlemen's minds were much more divided and their tempers more irritable than they were at preſent; the leſs, therefore, that was ſaid about it the better; for which reaſon he begged Mr. Watſon would read the Queſtion then before the Houſe, that he might clearly underſtand what it was.

The Queſtion was read accordingly, and the Debate proceeded.

Mr. Sheridan. Mr. *Sheridan* ſaid, he did not mean to allude to the extraneous matter that had been introduced into the Debate. Mr. Sheridan complimented Mr. Dundas, declaring, that with regard to the beginning of his ſpeech, he never had heard any thing more able, more earneſt, or more eloquent; but that towards the end of it the Hon. Gentleman got himſelf entangled in an argument that deſtroyed the principle of all his former reaſoning. The Hon. Gentleman had firſt doubted whether we had any right to impoſe Reſtrictions on his Majeſty's re-aſſumption of his Royal Authority, and, he had afterwards ſaid, that the Bill had provided all the neceſſary checks and reſtrictions, thus contradicting the Right Honourable Gentleman's aſſertions. Mr. Sheridan obſerved, that the Honourable and Learned Gentleman had ſaid, ought his Majeſty to be a ſuppliant to Parliament for the exerciſe of thoſe Prerogatives which of right belonged to him? He would ſay that it would be better for his Majeſty to ſupplicate that Houſe for his Crown, than either his Council of eight, or his nine Privy Council. Mr. Sheridan charged Mr. Dundas with flying to the com-

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mon-place topics of pitying the King, and ſaying all he felt for him and his ſituation; they every one of them, no doubt, felt as they ought to do for his Majeſty, but they ought likewiſe to feel for their country, which was an equal conſideration. The Hon. Gentleman, he ſaid, diſdaining to read the Bill upon which he had been ſpeaking, had made ſeveral groſs blunders, and plainly proved that he was not a maſter of the various Clauſes which the Bill contained; perhaps the Hon. Gentleman had not read them. The Hon. Gentleman had talked of what might happen in caſe of the Queen's death, whereas the Bill contained an expreſs proviſion for that circumſtance. He had all along underſtood, Mr. Sheridan ſaid, that they were not to argue on grounds of perſonal confidence, and the Honourable and Learned Gentleman in particular had, a few days ſince, declared, that arguments of that kind were unmanly and improper; and yet, in his ſpeech of that day, he had reſorted to that ſort of argument; he had called upon the Houſe to know, whether Lord Thurlow, Lord Kenyon, and the reſt of her Majeſty's Council, were not the fit perſons to adviſe her Majeſty? Won't you, ſaid he, believe that the Archbiſhop of Canterbury is a fit perſon to be truſted, and that he'll connive at no fraud in what leads to the circumſtance of bringing forward his Majeſty for the re-aſſumption of his Royal Authority? Undoubtedly, Mr. Sheridan ſaid, it was not likely that the Archbiſhop of Canterbury, Lord Thurlow, and the reſt of her Majeſty's Council, were perſons very likely to betray their truſt; but they all knew that perſonal confidence was not a fit ground for Parliamentary argument. The Honourable and Learned Gentleman had the preceding day declared, that the Council of the Queen was only a Council of Advice, and yet that day they had heard him ſay, that it was a check and a Council of Controul. Mr. Sheridan bid the Committee recollect on what grounds the Iriſh Parliament proceeded; they took up the circumſtance of the King's incapacity upon the declaration of the Engliſh Parliament, and proceeded upon a principle of reſpect to them. He urged the neceſſity, therefore, of their ſettling the mode of his Majeſty's reſumption of his Royal Authority, in ſuch a manner as the Iriſh Parliament ſhould be willing to adopt.

Colonel Phipps. Colonel *Phipps* roſe to take notice of ſome remarks which Mr. Sheridan had made. The Hon. Gentleman, he ſaid, had complimented him with an ingenuity which he did not deſerve; he had taken care, however, to mix with it ſome neceſſary portion of corrective ſeverity, and had accuſed him of an error that he did not commit. Col. Phipps explained the point of his ſpeech to which Mr. Sheridan had alluded.

Mr. Marſham. Mr. *Marſham* explained the meaning of the two clauſes which he meant to move by way of amendment. The principal object of the firſt of which was, to addreſs his Majeſty, and deſire him to aſſume the reins of Government; and the principal object of the ſecond, was to direct that his Majeſty's preſent Phyſicians ſhould be examined by the Privy Council. Mr. Marſham read the two Clauſes at length.

Mr. Burke. Mr. *Burke* roſe next, but a great many Gentlemen of the oppoſite ſide quitted their places as ſoon as they ſaw him up; Mr. Burke obſerving it, ſaid he would begin ſpeaking as ſoon as the Gentlemen with orange capes had quitted the Houſe. He firſt took notice of what had paſſed reſpecting the Hampſhire Petition; when it was ſaid that the voice of their Conſtituents ſhould be that of the Court; when a Petition; ſpeaking the ſentiments of a moſt reſpectable body of men, was treated as if it diſgraced Parliament; if the Right Hon. Gentleman had ſent the author of an Addreſs that had degraded Parliament, to tell the Court of Madrid, and all the Courts on the Continent, that he had degraded Parliament; he was, Mr. Burke acknowledged, a poor, humble, follower, who gave his vote for that Addreſs, and was talked of as having degraded and diſgraced Parliament; he wondered not that the Right Honourable Gentleman was deſirous to come to a completion of the whole, and had now near twenty, among his voters, of thoſe who had aſſiſted in thus degrading and diſgracing Parliament.

Mr. Summer. Mr. *Summer* declared, what the Hon. Gentleman was ſaying was totally inapplicable to the ſubject under debate, he, therefore, deſired that the Chairman would read the Queſtion.

Mr. Watſon. Mr. *Watſon* ſaid, he thought it his duty to inform the Committee that there was no Queſtion before the Committee.

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The *Chancellor of the Exchequer* ſaid, the Queſtion was to fill up the blank in the firſt Clauſe, but that at the deſire of the Committee in general, he had ſummarily ſtated the principles and arguments on which he reſted the whole of the regulation. Mr. Pitt.

Mr. *Burke* ſaid, he ſaw he might puſh the topick too far; his meaning was, to praiſe ſeveral who ſupported the Right Hon. Gentleman's Adminiſtration, but he found it was diſorderly; if he approved the Miniſter's friends, it was irregular. Order, he obſerved, was an admirable thing, perfect in all its limbs, only unfortunately it *ſquinted*, and wanted the aid of ſome expert oculiſt to enable it to ſee ſtraight. He took notice of Mr. Dundas's ſpeech, declaring a part of it to have been ingenious, a part of it dull, and a part of it invective. The Honourable Gentleman had talked of the wiſdom of the regulation for the return of the King to the exerciſe of his Royal Authority, and his triumphant entry into Executive Power. It would not, Mr. Burke ſaid, be amiſs, if, before they enjoyed the triumph, they ſhewed their wiſdom by endeavouring to preſere the Empire. The ridiculous Petition they had juſt adverted to, adviſed them ſo to do. A Parliament was not to be reſorted to in the event of his Majeſty's reſumption of his power; he deſired to know, had they aſſerted the competency of Parliament, on purpoſe to degrade and vilify it? The Honourable and Learned Gentleman thought, that to depoſe his Majeſty's Government, it was neceſſary to make an examination of Phyſicians before that Houſe, but to give it to him, it was not neceſſary for that Houſe to have any examination. The Hon. Gentleman aſked, what had they to ſay of the characters of the Officers of the Houſehold? He had nothing to ſay of them, but that when they had accepted the truſt, they were not fit to hold it. He might adore the Duke of Montague, he might worſhip the Earl of Saliſbury: he knew thoſe; but he would not ſay that others, as great as they, would not do in their places. The Houſe, he ſaid, had no ſecurity at all for the due performance of that important event, that was to paſs through the hands of the King's Council. The Honourable and Learned Gentleman had ſaid, would you have the King a ſuppliant to Parliament? Yes, he thought Parliament the proper judge of Kings, and that it was Mr. Burke.

for their honour that they ſhould be ſo. When he went to war with foreign powers, he wiſhed the King to be a ſuppliant to Parliament; when he entered into ſubſidiary treaties, he wiſhed him to be a ſuppliant; but he did not wiſh him to be a ſuppliant to his own menial ſervants, thoſe who eat his bread and received his wages. If an examination by his Majeſty's Phyſicians, when his incapacity was declared, if that were degradation, why did they make it a neceſſary proceeding? The Honourable and learned Gentleman ſaid, if the King is well, he ſhall come and claim. Why then did he not? Oh, no, he muſt have reſtraint, but it ſhould be any reſtraint other than that of Parliament. Mr. Burke reaſoned on the neceſſary ſteps to be taken preliminary to his Majeſty's being ſuffered to reſume his authority; the firſt thing to be learnt, he ſaid, was that the ſanity ſhould not be doubtful; becauſe to produce the perſon of a Monarch, in ſuch weakneſs as might render him the tool of a faction, who ſhould make him do what he could not undo. Had they forgot the caſe of Charles the Sixth of France, who delivered all his power over to the hands of a faction who ruined France. Charles the Sixth, previous to his viſitation by that dreadful calamity, was as enterprizing as any Monarch that ever ſat on the Throne of France, and juſt before it pleaſed God to afflict him, the French had talked of invading England; but after that period, England invaded France; we went into the heart of the country and tore the crown from the brow of its Monarch. Mr. Burke adviſed the peruſal of the Hiſtory of foreign States; it was, he ſaid, a fund of knowledge, infinitely more ſerviceable than Birth-day Odes or Addreſſes. The diſorder with which the Sovereign was afflicted, was, he ſaid, like a vaſt ſea which rolled in, and at a low tide rolled back and left a bold and barren ſhore. Mr. Burke ſaid, he had taken pains to make himſelf maſter of the ſubject, he had turned over every book upon it, and had viſited the dreadful manſions, where thoſe unfortunate beings were confined. At one of them, the capital Hoſpital for ſuch perſons, he ſaw the goodneſs of the proviſions, the cleanneſs of the Houſe, the diſcipline throughout, and the wonderful order by which ſo many perſons were governed by a few. An author of great authority, Mr. Burke ſaid, having mentioned the

the uncertainty of the ſymptoms of ſanity, had declared, that after having been kept a month, (and the rule was, he ſaid, at all the houſes he had viſited, though anxious to diſcharge the Patients ſpeedily as they all were, to keep them a month after their recovery before they turned them out of the houſe,) they would ſometimes dread the day of their departure, and relapſe on the very laſt day, and the conſequences that had followed, were of the moſt fatal kind. Mr. Burke read an Extract from the Volume he alluded to, which ſtated, that ſome of theſe unfortunate individuals after a ſuppoſed recovery, had committed parricides, others had butchered their ſons, others had done violence to themſelves by hanging, ſhooting, drowning themſelves, throwing themſelves out of window, and by a variety of other ways——

(The extract Mr. Burke had read being ſuch as revolted the feelings, there was a cry of *Oh! Oh!* and one Gentleman called *Order*, when Sir *Richard Hill* ſaid, he did not riſe to ſpeak to Order, but to apologize for the Right Hon. Gentleman. Sir Richard was interrupted by Mr. *Grey*, who ſaid, he wiſhed Gentlemen would not riſe to Order without being able to prove that any word that was diſorderly had been ſpoken.)

Mr. *Burke* roſe again, and ſaid, he who had as low an underſtanding as any man, would wiſh to make amends by induſtry and application, from which alone uſeful knowledge was to be acquired. He declared, he wiſhed to preſerve the utmoſt delicacy, but delicacy, though a being of perfect ſymmetry and order, was only a ſubſidiary virtue, and ought always to give way to truth, where the caſe was ſuch, that the truth was infinitely of more conſequence than the delicacy. Mr. Burke reaſoned on this idea, and inſtanced a variety of caſes where great delicacy was *prima facie* due, and yet it was uniformly abandoned. Among others, all caſes of illneſs in the fair ſex, who were, he ſaid, delicacy itſelf; and yet there occurred with them a variety of occaſions, where delicacy was obliged to be ſacrificed; he mentioned child-birth, and eſpecially when the child was the Heir of a kingdom; in that caſe, for the ſake of the ſucceſſion, there was ſtill more diſregard to delicacy than in other inſtances. He alſo mentioned proceedings in the two Houſes upon Divorce Bills, proceedings in the Eccleſiaſtical Courts, trials for rapes, Mr. Burke.

rapes, &c. &c. In Naples they publiſhed every circumſtance relative to ſuch maladies as his Majeſty laboured under, becauſe the feelings of the world ſuperſeded delicacy. Had he not, he ſaid, ſeen London almoſt burnt to the ground through an idle and over-ſcrupulous regard to delicacy? After having painted the bad effects of delicacy when miſapplied, he returned to the ſubject, and ſaid he had read enough to give the Committee a ſenſe of the danger of an uncertain cure, arguing from the great diſaſters that had followed in private life, that it was the more neceſſary to take care that a ſane ſovereign was put in the poſſeſſion of Government. He drew a picture of the King's ſuppoſed return, which he deſcribed as moſt happy, if really cured, but as horrible in the extreme, in its conſequences, if a ſudden relapſe took place.

Sir Richard Hill.

Sir *Richard Hill* ſaid, that he did not riſe to call the Honourable Gentleman to Order, but rather to offer an apology for him to the Houſe, as he really thought great allowances ought to be made for him under his high patriotic paroxiſms, when his zeal was ſo very furious in defence of the Britiſh Conſtitution, that he quite forgot how much he injured his own, by his great warmth and irraſcibility, which he aſſured the Honourable Gentleman were exceedingly prejudicial to the animal œconomy; therefore, though it clearly appeared from his ſpeech, that he had no need either of *ſalts* or *cream of tartar*, yet he was of opinion, that ſome gentle *alteratives* and *correctives* would be very ſerviceable to the Honourable Gentleman, in his preſent ſituation.

Sir Richard ſaid, he had no intentions of viſiting thoſe dreadful manſions which the Honourable Member had been ſpeaking of, though he did not deſire to curb the Honourable Gentleman's curioſity, in this reſpect, nor did he pretend to ſay how long it might be needful for the Honourable Gentleman to ſtay there.

Having ſaid thus much, he ſhould only revert to what he had hinted when he firſt roſe, viz. that as he thought the Honourable Gentleman's exalted flights called more for indulgence than for reply, he ſhould therefore adopt the advice of good King Hezekiah concerning Rabſhakeh,—"*anſwer him not a word.*"

Sir C. Gould

Sir *Charles Gould* declared he approved of the Regulation, as he thought it favourable to the circumſtance of his Majeſty's being reſtored

reſtored to his Government on his recovery. Sir Charles moved a ſhort amendment.

Mr. *Powys* moved ſeveral amendments. Mr. Powys.

Mr. *Sheridan* ſaid, as the Bill ſtood, his Majeſty's recovery would not come before Parliament at all, even if it were ſitting. Mr. Sheridan reminded the Houſe of what he had ſpoken before, viz. the poſſible caſe of his Majeſty's recovery, and the very firſt act of his executive Goverument being a diſſolution of the Parliament. He put the caſe alſo of the King's being recovered to a degree, and ſubſtituting a new form of Government without Parliament. He ſtated likewiſe that his Majeſty might recover, and might not chooſe to appear in public, but might nominate other perſons as *Cuſtodes Regni*, to carry on the Government for him. Mr. Sheridan moved an Amendment, which he explained to be introductory to a ſtill farther Amendment meant to be propoſed afterwards, with a view to procure the object he aimed at and thoſe that thought as he did, viz. that Parliament ought to be the medium of reſtoring the Government to the King on his recovery. Mr. Sheridan.

Mr. Sheridan's Amendment tended to oblige the Privy Council to take care that the Inſtrument, ſtating his Majeſty to be recovered, that was to be ſent to the Lord Mayor of London, and inſerted in the London Gazette, be previouſly laid before Parliament.

The *Chancellor of the Exchequer* objected to the Amendment, denying that his Majeſty could delegate his Authority while he remained within the Realm; there were, he ſaid, no powers in the law of the country by which the King could appoint a perſon to the Royal Authority, and as to the idea that his Majeſty might recover, and the very firſt act of his Government would be to diſſolve the Parliament, it was a notion too wild and extravagant for any man ſeriouſly to entertain. Mr. Pitt.

The *Attorney General* ſaid, he did not think it poſſible for any Gentleman to get up and alarm them with the idea that his Majeſty on his recovery could make a *Cuſtos Regni*, or *Cuſtodes Regni*, which of late years had been known by the more familiar name of Lords Juſtices, in which caſe every Act is done by the King in his own perſon. He had on a former day explained, Mr. Attorney ſaid, that the Lord Lieutenant of Ireland was ſtrictly ſpeaking a *Cuſtos* Sir A. Macdonald.

Regni,

Regni, but if the King was to ſet his foot in that kingdom, the Lieutenant's power would ſtop inſtantly and his patent be void. Nothing could be more clear, Mr. Attorney ſaid, than that the King could not raiſe another Royal Perſon. A Regent, that they were then making, was a mere creature of Parliament, only thought of of late years, and to be found recognized in no more than one or two modern ſtatues.

Mr. *Sheridan* was not ſatisfied and replied.

Sir A. Macdonald. The *Attorney General* ſpoke again, and again explained the nature of commiſſions, particularly adverting to that commiſſion they lately ſaw on the Woolſack in the Houſe of Lords. The Committee divided on the Amendment.

Ayes 113. *Noes* 181.

There was ſome farther converſation between Mr. *Pitt*, Mr. *Sheridan*, Mr. *Grey*, Mr. *Bouverie*, and others.

At length the Clauſes being gone through, the *Chancellor of the Exchequer* brought up a new Clauſe to enable the Regent, notwithſtanding the Reſtrictions reſpecting Patent Place Offices for life, Penſions, &c. in caſe any of the Judges, through age or infirmity ſhould wiſh to reſign, to grant them penſions; another object of the Clauſe was to enable Parliament, if the occaſion of making a Chancellor ſhould occur, to paſs an Act in this Seſſion of Parliament to enable the Regent to grant in that caſe a reverſion of ſome Patent Office, &c. to the perſon accepting the Seals.

Mr. Pulteney. Mr. *Pulteney* gave notice, that on the third reading he ſhould introduce a Clauſe by way of Rider, to limit the duration of the Reſtrictions which diſables the Regent from making Peers.

Mr. Pitt. The *Chancellor of the Exchequer* deſired the Report might be received immediately, as he intended to read the Bill a third time this day.

The Houſe having been reſumed, the Report was made, and the Amendments having been twice read, and a queſtion put on each, the Bill was ordered to be engroſſed.

Thurſday

Thurſday, February 12.

LIMITATION OF RESTRICTION OF POWER TO CREATE PEERS.

Mr. *Pulteney* roſe to move that Clauſe, of which he had given notice the preceding evening, viz. a Clauſe to limit the duration of that part of the Bill which reſtrained the power of the Regent in regard to the increaſe of Peerages. In order toexplain the principles on which he thought ſome limitation on that Reſtriction neceſſary, Mr. Pulteney proceeded to call the attention of the Houſe to the different degrees of check and controul, which the different branches of the Legiſlature had upon each other; a ſyſtem wiſely provided by the Conſtitution, in order to keep alive that proper jealouſy, the conſtant attention to which, tended ſo effectually to the preſervation of the Conſtitution itſelf. The Sovereign of the Britiſh Empire, as head of the Three Eſtates, had, he obſerved, a variety of prerogatives and functions independent of the two Houſes of Parliament, and eſſentially neceſſary to the conducting the Legiſlative, as well as the carrying on of the Executive Government of the country; the two other branches of the Legiſlature in like manner poſſeſſed rights, powers, and privileges peculiar to themſelves, and equally requiſite for the maintenance of their independance, and the ſecurity of that independance from the encroachment of either of the other two Eſtates. The Crown ſtood connected with both Houſes of Parliament in a peculiar manner, and each Houſe poſſeſſed powers of counteracting the Crown to a reaſonable degree, whenever the Crown ſhould go beyond the conſtitutional limits of its prerogative. In that Houſe, as they well knew, whenever they thought it neceſſary ſo to do, they could controul the Crown in many reſpects, and eſpecially by with-holding the ſupplies, or refuſing to paſs the Mutiny Bill; but if any improper uſe were made of their power, his Majeſty might diſſolve the Parliament, and ſend them back to their conſtituents. On the other hand, ſhould the other Houſe refuſe to lend their aid in paſſing the Bills of Supply, there was no other means of coercing them, but by creating new Peers, which Mr. Pulteney.

which had more than once reſtored the Houſe to that ſituation in which it ought to ſtand. Mr. Pulteney deſcanted on the great utility and importance of the power of the Crown to make Peers. Had not the Crown been able to exerciſe that power, ſome important Acts would not have paſſed, and the union with Scotland could not not have taken place. However opinions might have differed about the Union at the time, all men who felt for the intereſt of both England and Scotland, had ſince had abundant reaſon to extol its wiſe principles, and to rejoice at its beneficial effects. The power of creating Peers, ſo properly lodged in the hands of the Crown for the reward of merit, and the encouragement of virtuous emulation in the ſervice of the country, was a power that had always been exerciſed ſparingly by the Princes who had ſat upon our throne. Had not this been the caſe, various abuſes might have crept into the conduct of Government, corruption would have been openly practiſed, and it might have happened that the Houſe of Commons would have ſunk to ſuch a degree of want of reſpect and character, that there might not be found in it proper perſons to be raiſed to the dignity of the Peerage, and thus the Crown might be deprived of the means of reſiſting a faction in the Houſe of Peers. Mr. Pulteney ſaid, he had a great opinion of the Houſe of Commons, but he did not therefore wiſh that the Crown might not have the power of diſſolving Parliament. He mentioned the hiſtorical fact of the Houſe of Commons, which in the reign of Charles I. prevailed on that Monarch to paſs an Act, that they ſhould not be ſubject to diſſolution, and declared that he did not believe either the Monarch or the Members had any idea at the time of the miſchievous conſequences that followed. As he wiſhed the power of diſſolving Parliament to remain in the Crown, in like manner he never wiſhed to ſee powers given to the Houſe of Lords to reſiſt the conſtitutional conduct of the Crown; they knew not what operation the power of reſtraining the Regent from creating Peers might have on the minds of the Houſe of Lords. He only looked to that Clauſe when the other Houſe might have an intereſt in oppoſing the repeal of the Bill. They would now tell them, no doubt, that they did not mean to abuſe it, and perhaps they would tell them ſo truly, according to their preſent feelings and intentions; but there was no anſwering for human frailty. Ambitious men, entruſted

with

with unlimited power, might grow fonder of it, in proportion to the length of time they poſſeſſed it, and at laſt refuſe to part with it at all. Let them recollect the caſe of the republic of Rome, with regard to the Decemviri, who were Magiſtrates appointed for the purpoſe of carrying the laws into execution for a year. They were at firſt the wiſeſt and moſt able citizens of the republic, and all the executive power was entruſted in their hands for twelve months. By degrees, the time they were choſen for was encreaſed; firſt one year was added, and afterwards more, till at laſt they grew into ſuch importance, and had attained to ſuch an enormous degree of abſolute power, that had it not been for the miſconduct of one of them, the liberties of their country had been loſt for ever. They ought, therefore, to profit by paſt experience, and to guard againſt a ſimilar danger to their own country. He would not by any means, adviſe the truſting ſo much out of their own hands, as to ſuffer the Reſtriction on the Regent from making Peers to go out of the Houſe in the Bill without ſome limitation. It was objected that the Regent might abuſe the power of making Peers, and make too many; but was that to be put in competition of the Lords refuſing at ſome ſubſequent period to join in a repeal of the Act? There was no ſort of proportion between the different degrees of danger to the Conſtitution. On theſe grounds, therefore, Mr. Pulteney ſaid he ſhould, as a Rider to the Bill, propoſe a Clauſe for limiting that part of the Bill which impoſed Reſtrictions on the Regent with regard to the power of making Peers, and the time he meant to propoſe for that Reſtriction to ceaſe and determine, was *three years*: not that he propoſed that period under any idea that the Regency ought to continue the exerciſe of the Royal Authority under any Reſtrictions, ſo long as three years; but, becauſe if unfortunately they ſhould be diſappointed in their preſent hopes of his Majeſty's recovery, he thought three years the outſide of the time that under any circumſtances the Reſtrictions ought to continue. Mr. Pulteney read his Clauſe.

The *Chancellor of the Exchequer* ſaid, he had liſtened to the Hon. Gentleman with that degree of attention, that he was always deſirous to pay to every ſuggeſtion that came from ſo reſpectable a quarter. If he were right in his ideas on the ſubject of limitations of time in reſpect to any of the Reſtrictions impoſed on the Regent, Mr. Pitt.

gent, the danger the Hon. Gentleman wiſhed to guard againſt was more in theory, than likely to be carried into practice. That a majority of the Lords would wiſh to continue the Reſolutions, whenever it ſhould be thought by that Houſe proper to reviſe their proceedings, and alter them, as the circumſtances of the caſe might require, and that Limitations ought to be fixed, was a propoſition firſt ſtarted on debating the Reſolution in the Committee on the State of the Nation, and it had been ſuggeſted that they ought to fix a permanent time. He had then thought, and he continued to think, that there was no ground, and that there could be no ground, for the Lords to retain that power, whenever it ſhould be neceſſary to repeal it. The whole of the Bill was a temporary meaſure, and calculated to laſt only during the continuance of his Majeſty's illneſs. They muſt therefore be at a loſs what period of limitation to fix on, ſince they could not tell the preciſe period of his Majeſty's illneſs. For this reaſon he felt objections to limit the powers of the Regent to any time at all. And another reaſon was, becauſe if his Majeſty's illneſs ſhould unfortunately continue to any length of period, ſo that his recovery would become a matter of doubt, (a matter which, thank God, he had every day more and more reaſon to believe would not be the caſe) a new Regency would then be to be ſettled, and that undoubtedly on very different principles. However, as the time taken for the Limitation was three years, not as he conceived with any view that the Reſtriction in queſtion, or any other impoſed on the Regent, ought under any circumſtances to continue ſo long, (ſince whether they ſhould have the happineſs to ſee his Majeſty recover, and be capable of reſuming the exerciſe of his Royal Authority, or not, the preſent ſyſtem of the Regency ought to ceaſe within that period) but with a view to name three years as the extremeſt time to which, in any poſſible conſideration, any thing like a reſtriction could be ſuppoſed to be proper to extend; therefore in point of theory and of principle he ſhould have no objection to the Clauſe.

Mr. Browne.

Mr. *Hawkins Browne* ſaid, he quite agreed with the Right Hon. Gentleman, and the Hon. Gentleman who had introduced the Clauſe. Mr. Browne ſtated, that he had originally expreſſed a deſire that the Reſtriction from making Peers might have ſome Limitation; yet in the Committee he had objected to a Limitation

that

that had been propoſed, becauſe that Limitation was leſs than two years; and though he had very great hopes that his Majeſty's recovery would take place long before that period, yet he thought no limitation for a leſs period ought to be fixed by the Bill; being of this opinion, Mr. Browne ſaid, he could have no objection to the Clauſe.

Mr. *Powys* ſaid, that the Clauſe ſeemed to imply, that three years was, in the opinion of the Houſe, the period that the Reſtrictions ought to continue. For his part he wiſhed not to confine that Reſtriction with regard to the making Peers to a limited time, becauſe he thought that no Reſtriction whatever ought to exiſt. But if there muſt be Reſtrictions on the Regent, he thought a limitation of three years too long a period; an earlier period than three years would enable Parliament to examine and reconſider the whole proceeding. With regard to their declaring, by accepting the Clauſe, that it was the ſenſe of Parliament that the Reſtrictions ought to continue for three years, Mr. Powys deſired to enter his proteſt againſt it; he would accede to no ſuch implied opinion. Mr. Powys.

Sir *James Johnſtone* ſaid, after a Peer was once created, he was as independent the firſt day as he was the laſt; therefore, although he ſuſpected almoſt every body, he did not ſuſpect the Houſe of Peers. He was of opinion, however, that if the Reſtriction had been unlimited, there might, at one time or another, be a combination between the other Houſe and that againſt the Crown, and therefore he was happy that his Hon. Friend had agreed when the Reſtriction ſhould ceaſe. Sir James Johnſtone.

The Clauſe was read, and Mr. *Pulteney* moved, that the words "three years" be inſerted in the blank. Mr. Pulteney.

Mr. *Sheridan* ſaid, he was exactly of the ſame opinion on the ſubject with his Hon. Friend, with reſpect of the probability of the Lords refuſing to open the door to their Houſe, if, by paſſing the Bill without any limitation of the duration of the Reſtriction, in regard to the Regent's power to make Peerages, they ſuffered the power to paſs out of their hands, and the door of the Houſe of Lords to be once ſhut. Mr Sheridan declared, he was ſurprized at what the Right Hon. Gentleman had ſaid of the idea of the improbability of the Lords ever wiſhing to continue the power, when they once got it into their poſſeſſion. The Right Hon. Mr. Sheridan.

Gentleman ſeemed to have forgot that they had gone throughout the whole of their proceedings, not on probable dangers, but on poſſible dangers, and every danger that was morally poſſible to happen had been moſt ſtudiouſly and cautiouſly guarded againſt. That ſuch an idea as the Right Hon. Gentleman had ſtated was implied by Parliament, was not, Mr. Sheridan thought, to be tolerated; the Right Hon. Gentleman, and the Gentleman behind him, ſeemed to have adopted a principle that might be extended for ſeven years as well as three, and therefore not chuſing to lend his ſanction to the principle, that the executive power ought to continue maimed and crippled by uſeleſs and harſh Reſtrictions for three years, he ſhould move to leave out the words "three years," and that the words "one year" be inſerted in the blank.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, the Hon. Gentleman who ſpoke laſt ſeemed to have done him more juſtice than the Hon. Gentleman who ſpoke near him, becauſe he had expreſsly ſtated, that as they could not fix the preciſe period of the duration of his Majeſty's illneſs, he would agree to three years as a period the moſt extreme and diſtant that could be taken, but that if his Majeſty ſhould not recover ſoon, the Reſtrictions ought to ceaſe within the period propoſed; and the Hon. and reſpectable Member who had introduced it, had expreſsly ſtated a ſimilar ſentiment: how then could it be conſidered, that adopting the words "three years" to fill up the blank, under the conſtruction that had been laid down, was making Parliament declare, that its opinion was that the Reſtrictions ought to laſt for three years? With regard to the Amendment propoſed, would not the Hon. Gentleman, by what he was doing, defeat his own purpoſe? The Hon. Gentleman had ſaid, he moved an earlier day, that it might not appear to be the opinion of Parliament, that Parliament thought the Reſtrictions ought to continue three years: he ſhould think the Hon. Gentleman would ſerve his purpoſe better by withdrawing his Amendment, and letting the original Motion be put. If, however, the Hon. Gentleman ſhould perſiſt in his Amendment, the Chancellor of the Exchequer ſaid, he ſhould certainly give that Amendment his negative.

Mr. Sheridan. Mr. *Sheridan* ſaid, if the Motion for filling the blank with the words "three years" were carried, the Right Hon. Gentleman had

had declared, that it would appear that it was not the opinion of the Houſe that the Reſtriction ſhould continue for three years; that was, Mr. Sheridan ſaid, the moſt extraordinary opinion he had ever heard, and therefore he ſhould certainly perſiſt in his Amendment.

Mr. *H. Browne* thought the Hon. Gentleman had miſappre- Mr. H. Browne.
hended him; he did not ſay he thought the Reſtrictions ought to laſt three years; he ſhould have no objection to have had the blank filled up with the words "two years," if it ſhould be approved; he nevertheleſs thought three years a very good time.

Mr. *Powys* ſaid, if the Chancellor of the Exchequer would have Mr. Powys.
had the goodneſs to have attended to his words, he would not have miſtaken him. He had not ſtated that the opinion of Gentlemen ſhould be recorded, but that the Clauſe would be recorded with the limitation of three years in it; and, parliamentarily ſpeaking, the inference from the words of the Bill would be, that it was the opinion of the Houſe that the Reſtrictions ſhould continue for three years. From what he heard every day, Mr. Powys ſaid, he hoped the neceſſity for the Bill altogether would be of much leſs time than even one year.

The Queſtion was put, and the Clauſe filled up with the words "three years" agreed to, and ordered to ſtand part of the Bill.

Mr. *Sheridan* ſaid, he wiſhed to propoſe an Amendment in the Mr. Sheridan.
body of the Bill. He would aſk a queſtion of the learned Gentleman whom he ſaw oppoſite to him, the anſwer given to which would ſhew whether the Amendment was neceſſary or not. His Majeſty had a power to grant a Commiſſion for opening Parliament; he deſired to know whether the King had not power to inveſt thoſe Commiſſioners with full regal authorities. He found from the Precedents with which they had been furniſhed, that in the caſe of Henry VI. when the Duke of York was appointed to exerciſe the Royal Authority in Parliament, it might be done. What he wiſhed to know then, was, whether the King could do the ſame thing by a general Commiſſion, or whether, as in the caſe of Lord Hardwicke, in the year 1754, he muſt iſſue a ſecond Commiſſion to give the Royal Aſſent to any Bill, or Bills?

The *Maſter of the Rolls* ſaid, if the Hon. Gentleman meant to Mr. P. Arden.
enquire whether the King could delegate the whole of his authority

by one Commiſſion, he thought he could not do ſo; that was, he could not, for inſtance, make his Attorney General King. To make any man King by Attorney was a power that the King of England did not poſſeſs. With regard to the Commiſſions iſſued in Henry the Sixth's reign in the caſes of the Duke of Glouceſter in the commencement, and the Duke of York in a ſubſequent period; in both theſe caſes the Commiſſions iſſued under the Great Seal, and were confirmed by Parliament. The Maſter of the Rolls pointed out the difference between ſuch a Commiſſion, and Commiſſions iſſued by the Royal Authority.

Mr. Sheridan.

Mr. *Sheridan* thanked the learned Gentleman for anſwering him in part, but he had reaſoned rather than anſwered him entirely. Mr. Sheridan proceeded to put his caſe again, and maintained, that the Commiſſion appointing the Duke of Glouceſter to hold the Parliament, and give the Royal Aſſent to Bills, was a caſe in point. The King was then a minor, incapable of acting for himſelf, as our King was at preſent incapable, though from another cauſe. Was there not in the King a power not only to iſſue a Commiſſion inveſting Commiſſioners with authority to open Parliament, but to give the Royal Aſſent to a Bill, and to act in every inſtance with the Royal Authority?

Mr. Macdonald.

The *Attorney General* ſaid, he would anſwer the Hon. Gentleman in three words—*the King cannot*.

A kind of queſtion and anſwer converſation continued for ſome minutes, Mr. *Sheridan* perſiſting that he uſed ſound reaſoning, and the *Maſter of the Rolls* and the *Attorney General* adhering to their doctrine, that a King of England had no power to delegate his whole authority.

At length the converſation was put an end to from the Chair, as diſorderly.

Uniformity Clause.

Mr. W. Smith.

Mr. *William Smith* roſe to move an Amendment in the Uniformity Clauſe. Mr. Smith ſtated the harſh, illiberal, ſevere, and unjuſt penalties to which the Proteſtant Diſſenters, among a variety of deſcriptions of ſects, differing from the eſtabliſhed church, were liable by the Statute of Charles the Second. The chief of theſe penalties he ſaid were, and had long been deemed obſolete, but

but they had never been formally repealed; the Proteſtant Diſſenters lay, therefore, at the mercy of every informer. Mr. Smith ſtated ſome of theſe penalties and diſabilities, one of which was, that a Papiſt ſhould not practice the art of an apothecary in the city of London under a heavy penalty. Mr. Smith ſaid, ſurely ſuch a diſability ought not remain on the Statute book! He mentioned ſeveral others, and at length ſtated his Amendment, the object of which was no more than to prevent any new difficulty being placed by the Regency Bill, in the way of the repeal of the Teſt Act, if application ſhould be made for ſuch a repeal hereafter. It might poſſibly, he ſaid, be aſked, why he had not propoſed the Amendment in the Committee the preceding evening? He had been ready to do it, he ſaid, but thoſe who would have felt it their duty to object to it, if they found it objectionable, had wiſhed for a proper opportunity of reading the Act of Uniformity, in order to ſee if any part of that Statute would be trenched upon by the Amendment. Thoſe perſons, he underſtood, had ſince read that Statute, and had found that the Amendment was perfectly free from objection on any ſuch ground.

Mr. *Smith* moved the Amendment and Lord *Belgrave* ſeconded it.

The *Maſter of the Rolls* wiſhed the Amendment had been opened the preceding evening, and not moved thus, on a ſudden, and at the very moment before the Bill paſſed. It was true, Sir Richard ſaid, that there were, in the Statute of Charles the Second, many ſevere penalties and unjuſt diſabilities, ſeveral of which had been ſince repealed by the Act of Toleration in favour of the Proteſtant Diſſenters, and he thought there were others remaining that ought to be repealed; but then, it ought to be done regularly, directly, and avowedly. At a fit time he ſhould have no objection to aſſiſt in framing a proper Bill of Repeal. Sir Richard ſtated, that King William took an oath, that he'd preſerve the eſtabliſhment of the Church of England, and he was called upon by the Church of Scotland to give a ſecurity, that their eſtabliſhment alſo ſhould not be touched. The whole eſtabliſhment of the Church was in the Act, and, therefore, he muſt object to the Amendment *in toto*. He dared not meddle with it. Pepper Arden.

Mr. Smith. Mr. *Smith* ſpoke again in favour of the Amendment, and ſaid, he was willing to alter the wording of it, ſo as to remove objections. Mr. Smith ſaid, there remained on the Statute book penalties and proviſions, that ſtrongly partook of the ſpirit of perſecution. He ſtated in particular, the penalties againſt perſons convicted of having ſpoken in degradation of the Book of Common Prayer, the penalty on the firſt conviction was ten pounds, and if convicted a third time, the puniſhment was a forfeiture of goods and chattels, and impriſonment for life.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, he did not think the ſubject required the warmth that ſeemed likely to be applied to it. Mr. Pitt profeſſed himſelf to be a zealous and firm friend to the eſtabliſhed Church of England, and ſtated, that the object of the Honourable Gentleman lay in a narrow compaſs. He proceeded to deſcribe it, and to mention the general heads of the Act of Uniformity. He alſo ſtated, that at the Reformation, their anceſtors had not quite purged their Liturgies (of which there had been two or three different ones) from the ſuperſtition of the Romiſh Church. The offences created by the different ſtates were, he ſaid, indefinite; but the puniſhment was definite, and to a great extent. He mentioned ſeveral, and ſeemed a friend to the motion.

Sir George Howard. Sir *George Howard* thought the Amendment propoſed out of place, and that no alteration of Acts of ſo important and ſerious a nature, ought to be done by a ſide wind.

Mr. Martin. Mr. *Martin* deſired to give his thanks to the Maſter of the Rolls, for having promiſed the Proteſtant Diſſenters his aſſiſtance in preparing a Bill to repeal ſome of the exiſting penalties and diſabilities againſt them on account of their religious opinions.

Mr. H. Browne. Mr. *H. Browne* did not think the Amendment would do any good whatever; on the contrary it might occaſion a clamour among the people, who might think they had taken up the ſubject ſuperficially. He, therefore, thought the Regency Bill ſhould follow former Regency Bills in thoſe points.

Mr. Addington. Mr. *Addingdon* declared, he was extremely anxious that the Amendment ſhould not be preſſed to a diviſion, as it did not come on regularly, and might injure the cauſe it was intended to ſerve.

Lord Belgrave. Lord *Belgrave* having ſeconded the Motion, ſaid a few words in juſtification of his having done ſo.

Mr.

Mr. *Smith* ſaid, as he perceived there was no deſire in the Houſe for a diviſion, he ſhould not preſs the motion then, eſpecially as another means of anſwering the ſame end had been propoſed. But Mr. Smith could not admit that it was any argument to ſay, that becauſe the Uniformity Clauſe had ſtood in three former Regency Bills, exactly as it did in the preſent Bill, therefore it ought to remain unaltered; upon that principle, an inexpedient proviſion would be multiplied *ad infinitum*, and repeated in every Bill that would juſtify its inſertion to the end of time. The Motion was withdrawn. Mr. Smith.

Mr. *Alderman Newnham* ſaid, it would ſhew a want of ſpirit in him if he did not oppoſe the whole Bill, excepting only that part of it which declared, that the Prince of Wales ſhould be Regent. The Alderman ſaid, he thought the Proviſions of the Bill diſgraceful to the honour of his Royal Highneſs. The Alderman ſpoke of the virtues of the Prince, and ſaid, he had been called to account the other day, becauſe he had mentioned an act of his Royal Highneſs's benevolence; and an Hon. and learned Gentleman had complained of the oſtentatious parade of the Prince's charity, and aſked if he had ſtated the fact with the knowlege of his Royal Highneſs? The Alderman ſaid, he was at the time mentioning an act of public bounty, not an act of private charity of that kind, where the right hand ought not to know what the left hand did; he had beſides uſed it as an argument againſt their locking up money from the Prince as they did by that Bill. The Alderman ſaid, the Reſtrictions againſt making Peerages, were limited to too long a time; and the reſerving the Houſehold was the moſt abſurd thing that could be imagined. For what did they do by it? they gave ſplendour where it could not be ſeen, and took it away, where it was neceſſary to be exhibited. In fact, they gave the King what could not make him rich, and took from the Prince what made him poor indeed. The Alderman condemned the Reſumption Clauſe, and ſaid, he hoped, when his Majeſty did come forward to re-aſſume the exerciſe of his Royal Authority, which he heartily wiſhed he might ſoon do, he would come forward in a manner free from ſuſpicion, and the minds of the people would be cleared. Mr. Newnham.

Mr. Watſon

Mr. *Alderman Watſon* gave his explicit approbation to the Bill itſelf, and to the various Clauſes of the Bill, becauſe they were conſiſtent with his conviction, and that of his conſtituents. Mr. Watſon took notice of an expreſſion which had, he ſaid, called that diſtinguiſhed claſs of men, the merchants, traders, and bankers of London, *paupers*; at the time that the expreſſion was uſed, the Alderman ſaid, he was in a ſituation which rendered it impoſſible for him to take notice of it, without violating the forms and orders of the Houſe [in the Chair of the Committee.] The Alderman took notice, alſo, of another expreſſion which had fallen from another Hon. Gentleman, who had juſt left his place, [Mr. Powys.] That Hon. Gentleman would not have dared to have ſaid thoſe words had he been at liberty to have anſwered him. He did not chuſe to call for the protection of the Houſe at the time, becauſe he was conſcious he could protect himſelf. The Hon. Gentleman had ſaid, that he muſt ſubmit to the *Commands* of the Right Hon. Gentleman. *Commands!* The Hon. Gentleman had no Commands but what were right.

Mr. Sheridan.

Mr. *Sheridan* ſaid, the worthy Alderman had inverted the old rule, and had proceeded to panegyrize the preſent and traduce the abſent. Mr. Sheridan defended his two Honourable Friends from the worthy Magiſtrate's charges, both of which, he ſaid, were founded in miſapprehenſion; he explained, that when Mr. Powys had talked of *ſubmitting to the Right Hon. Gentleman's commands,* he had himſelf addreſſed thoſe words to the Right Hon. Gentleman, who happened to riſe at the ſame time, and perſiſted in his reſolution to ſpeak firſt with ſome degree of haughtineſs. With regard to the word *paupers,* his other Right Hon. Friend could not have ſaid ſo fooliſh a thing, as ſuch an expreſſion would have been, when applied to the merchants, traders, and bankers of London. Mr. Sheridan, after theſe explanations, went again into the queſtion that he had before put to the lawyers, grounding his ſecond application, upon a Clauſe which he moved, the object of which was, to reſtrain his Majeſty from granting any general commiſſion, inveſting the Commiſſioners with powers to open a Parliament, to give the Royal Aſſent to Bills, &c. &c.

Colonel Phipps.

Colonel *Phipps* ſaid, there needed not all the wiſdom and knowledge to be gleaned from the learned dialogue, that the Houſe had

heard between Doctor and Student, to furniſh an anſwer to the Hon. Gentleman's Clauſe; he could not give his Honourable Friend a reaſon why his Clauſe ought not to ſtand, in three words, but, he believed, he could do it in a very few ſentences. The Colonel ſaid, in the firſt place no Clauſe could poſſibly be received contrary to the general purview of a Bill, as expreſſed in the Preamble. If the Hon. Gentleman would look to the Preamble, he would not find a ſingle word about placing Reſtrictions on his Majeſty's exerciſe of his Royal Authority, when he had an undoubted right to exerciſe it. The Honourable Gentleman reminded him of what he had often ſeen done by Gentlemen on that ſide of the Houſe. It was cuſtomary with the Honourable Gentleman to caſt perſonal motives on them, for things never intended, and afterwards to be themſelves the perſons to introduce moſt miſchievous propoſitions. If it were neceſſary the Colonel ſaid, to reſtrain the power of the Crown, let it be done after his Majeſty's recovery, not while he is lying on his bed of ſickneſs.

Mr. *Sheridan* replied, and brought on the diſcuſſion of the queſtion of Law; Colonel *Phipps*, the *Attorney General*, the *Maſter of the Rolls*, and the *Chancellor of the Exchequer* took part in it. Some alluſions having been made to what was ſaid in the other Houſe in the courſe of the converſation, Mr. Martin complained of the extent of diſorder that Houſe had of late been going into; gentlemen, he ſaid, were repeatedly referring to what had paſſed in former debates, and to alluſions to what was ſaid in the Houſe of Lords, a practice totally in defiance of the wiſeſt and moſt eſtabliſhed orders of the Houſe. Mr. Martin earneſtly intreated the Speaker to exert the authority of the Chair in future, to check and prevent the growth of an evil, which, if not put a ſtop to, would throw their proceedings into great confuſion. Mr. Sheridan.

The SPEAKER thanked the Hon. Gentleman for having reminded the Houſe and him, of a practice that he had ſeen reſorted to but too often, with the greateſt concern. The Speaker declared he was conſcious that to watch and prevent ſuch breaches of Order was, he well knew, one of the moſt eſſential and moſt important duties of every perſon, on whom the Houſe had conferred the honour of placing them in the ſituation in which they had lately done him the honour to place him, and he could aſſure the Houſe, that if they The Speaker.

would

would favour him with their ſupport, they ſhould not, in future, find him remiſs in the diſcharge of this neceſſary part of his duty.

The Queſtion was put on Mr. Sheridan's Clauſe, and negatived.

Mr. Brandling. Mr. *Brandling* ſaid, a kind of miſcellaneous converſation having taken place, he thought it his duty to his conſtituents to declare, that he approved of the whole of the Bill. Mr. Brandling ſpoke in terms of warm praiſe of Mr. Pitt's conduct throughout the proceeding, and in particular of his having agitated and brought to a deciſion the Queſtion of Right, a Queſtion ſo important to the conſtitutional privileges of the two Houſes of Parliament. Mr. Brandling concluded with a declaration, that ſo ſatisfied was he in his conſcience with the wiſdom and rectitude of the meaſures he had ſupported during the late Parliamentary diſcuſſions, that he ſhould cheerfully ſubmit his conduct to his conſtituents, and reſt his hopes of their future favour on his confidence in their approbation.

Mr. Grey. Mr. *Grey* roſe to aſſert, what, he ſaid, he ever would aſſert, as often as the ſubject was agitated, viz. that no right whatever to exerciſe the Royal Authority, independant of the Authority of Parliament, had been claimed or even aſſerted. His Right Hon. Friend had ſtated it to be his opinion, that ſuch a right exiſted, but he had expreſsly declared, at the time, that he mentioned it merely as his private opinion, and without any authority whatever. With regard to the Hon. Gentleman's determination to juſtify himſelf to his Conſtituents for his conduct, in order to notify which, he had thought proper to riſe at that laſt ſtage of the buſineſs to defend the Bill; the Hon. Gentleman need not not have done ſo, ſince the liſt of voters that had been printed, might have ſhewn them what the Gentleman's conduct had been. The Hon. Gentleman, however, had now given no reaſon whatever for his having ſupported the Right Hon. Gentleman, unleſs, a panegyrick on the Right Hon. Gentleman, not ſo poetical indeed, as that of the worthy Alderman, but not leſs warm, could be called a reaſon.

A few words in the nature of the retort courteous paſſed between Mr. *Brandling* and Mr. *Grey*, who are relations, and after a ſhort ſpeech from Sir Charles Gould, the Bill paſſed, and was ordered to be carried up to the Houſe of Lords next day.

Friday, February 20.

ADJOURNMENT.

The *Chancellor of the Exchequer* moved, "That the Houſe adjourn to Tueſday next." Mr. Pitt.

Before the Speaker had finiſhed putting the Queſtion, Mr. *Vyner* roſe, and ſaid, a Motion for adjournment to Tueſday at that period of the Seſſion, when none of the public buſineſs was gone through, without a ſingle reaſon aſſigned in juſtification of ſuch adjournment, appeared to him to be a moſt extraordinary and unprecedented proceeding. He ſaid, he had a gueſs at the reaſon for ſo ſingular a ſtep, and if he was right in his conjecture, the reaſon was a moſt *joyous* one to that Houſe and the Country in general, [an univerſal cry of *Hear! Hear!*] but he could not help wiſhing that they might have the ſatisfaction of hearing the reaſon ſtated by ſuch high authority as the Right Hon. Gentleman, in order to enable them to communicate it to their Conſtituents with confidence and certainty.

No anſwer being given, the Queſtion was put and the Houſe adjourned to Tueſday.

Monday, March 2.

The *Chancellor of the Exchequer* ſaid, the late interruptions of public buſineſs, as they well knew, had been occaſioned by the happy circumſtance of his Majeſty's recovery. In order, therefore, to allow as much time to confirm that recovery, as the ſtate of public affairs would admit, he meant to propoſe a ſhort adjournment, to which he hoped there would be no objection; and therefore, with leave of the Houſe, he would move, that, at their riſing, the Houſe do adjourn to Thurſday next. Mr. Pitt.

This motion was agreed to *nem. con.* and the Houſe adjourned to Thurſday.

Thurſday,

Thurſday, March 5.

Mr. Pitt. The *Chancellor of the Exchequer* ſaid, the preſent happy ſituation of his Majeſty's Health, enabled him to acquaint the Houſe, that he hoped to have the ſatisfaction of making a Communication to them immediately from his Majeſty, on Tueſday next. He therefore moved, "that the Houſe, at its riſing, adjourn to Tueſday." Agreed to *nem. con.*

Tueſday, March 10.

HIS MAJESTY'S RESUMPTION OF THE PERSONAL EXERCISE OF HIS ROYAL AUTHORITY.

Sir Francis Molyneux, Bart. Gentleman Uſher of the Black Rod, having tapped three times at the door of the Houſe, and being admitted, having informed the Speaker that the Lords Commiſſioners appointed by his Majeſty to open certain farther cauſes for the holding the Parliament opened by a former Commiſſion, deſired the attendance of that Honourable Houſe in the Houſe of Lords, to hear the ſaid new Commiſſion read, the Houſe, with their Speaker, attended at the Bar of the Houſe of Lords accordingly.

As ſoon as the Speaker returned, he informed the Houſe, that a ſpeech had been made by the Lord Chancellor, a copy of which he had obtained, in order to prevent miſtakes, and which he would read accordingly. Having diſtinctly read the Speech from the Chair,

Ld. Gower. Lord *Gower* roſe and ſaid, he was ſo conſcious of his inability to ſpeak in a public aſſembly, that had it not been for the joy and happineſs of the occaſion, he could not have ventured to trouble the Houſe; but as the joy of the preſent occaſion was a joy not only felt by that and the other Houſe of Parliament, but by every ſubject of his Majeſty, he was under no embarraſſment in riſing to congratulate the country on the happy circumſtance of his Majeſty's recovery. They had, his Lordſhip obſerved, for five months, been in the ſtate of an interregnum, from which they were now moſt fortunately relieved. Their late melancholy ſituation and the preſent

preſent joyous occaſion might be compared to thoſe of a ſhip which had been diſmaſted by a ſudden ſtorm, but having its rudder ſound and entire, by ſailing right forward had happily got into harbour. He therefore congratulated his fellow ſubjects on the pleaſing proſpect of continuing to live under the happieſt and the beſt of Governments. With regard to the other topics alluded to in the Speech, weighty and important as they were, conſidered with a view to their connexion with the great intereſts of the country, they appeared to him to be light and trivial compared to the joy of the preſent occaſion, and therefore he would not detain the Houſe by inſiſting upon any one of them; he would content himſelf with moving an humble Addreſs to his Majeſty, in anſwer to his moſt gracious Speech. The Addreſs, as uſual, echoed back the ſeveral parts of the Speech in very pointed and emphatic language.

Mr. *Yorke*, in a ſpeech of great neatneſs, and replete with many graceful terms of expreſſion, roſe to ſecond the Addreſs moved by the noble Lord. Mr. Yorke began with apologizing for his incompetency to do juſtice to any ſubject, which required the exertion of great parliamentary talents, and declared, that had ſuch been the caſe at preſent, he certainly ſhould not have preſumed to have intruded himſelf upon the Houſe; but the fact being different, the apprehenſions he might otherwiſe have entertained, were, he owned, conſiderably diminiſhed. Called upon, as they were, to vote an Addreſs to his Majeſty, on his recovery from a ſevere indiſpoſition, which had impreſſed his ſubjects with the moſt melancholy ſenſations, every man muſt feel the ſincereſt joy, and the moſt heartfelt ſatisfaction. He was unwilling, he ſaid, to allude to any thing that had paſſed in former debates, that would revive any difference of opinion, or tend to prevent that unanimity which ought, in his judgment, to diſtinguiſh the vote of the Houſe on that day; but he truſted that he ſhould not be accuſed of any diſpoſition to diſturb the harmony that every man muſt wiſh ſhould prevail on ſuch an occaſion, by reminding the Houſe, that they had reaſon to congratulate themſelves on their having proceeded with more caution than expedition, and on the ſteady and zealous attention which they had uniformly ſhewn, equally to maintain the dignity of the Crown, and to preſerve the Rights of the People. Mr. Yorke.

It

It muſt alſo, he ſaid, be a great ſource of joy and exultation to them, to find that his Majeſty was able, on his return to the exerciſe of the duties of his office, not only to approve, but likewiſe to applaud their proceedings. After pointing out other grounds of ſatisfaction ariſing from the circumſtances of the moment, Mr. Yorke ſaid, he would in as few words as poſſible touch upon the other topics alluded to in his Majeſty's Speech. It was, he thought, an auſpicious circumſtance, that the Speech which announced his Majeſty's happy recovery, ſhould be the firſt alſo to make mention of a moſt important foreign alliance. Nothing on the ſubject of popular alliances had, he believed, for ſome years, been ſtated in a Speech from the Throne; not that he meant to impute any blame on that account to the immediate predeceſſors in office of the Right Hon. Gentleman below him, or to any Miniſters during any part of the period to which he alluded, but merely to obſerve that the alliance with the King of Pruſſia, as well as the preſent flouriſhing ſtate of our commerce and credit, was in his opinion a proof not only of the wiſdom and talents of his Right Hon. Friend, but of the confidence that was repoſed in him by foreign nations, as well as by the people of this country. After expatiating for a moment or two on the promiſing proſpect to be drawn from this circumſtance, Mr. Yorke ſaid, he hoped that no objection would be made to that part of the Speech which he had juſt mentioned; and his reaſon for hoping it was, that when the Right Hon. Gentleman, whom he then ſaw in his place, had applauded the meaſures of his Majeſty's Miniſters reſpecting Holland, the Right Hon. Gentleman had expreſsly ſtated, that he approved of thoſe meaſures, under the expectation that his Majeſty's Miniſters would not reſt there, but would follow up the Reſtoration of the Prince of Orange to his authority with ſuch alliances with other foreign powers, as ſhould beſt conduce to ſtrengthen and promote the intereſts of Great-Britain. Mr. Yorke declared the Addreſs had his entire approbation, becauſe he thought no language could be too ſtrong to expreſs their ſenſe of his Majeſty's diſpoſition on every occaſion to manifeſt his regard to the Conſtitution, and to promote the happineſs and proſperity of his people.

As ſoon as the Addreſs had been read from the Chair,

Mr. *Fox* roſe, not, he ſaid, to prevent the unanimous vote of the Houſe, nor for the purpoſe of diſturbing, in any degree, the harmony that every Gentleman muſt wiſh would prevail on the preſent joyful occaſion. He declared, he truſted and hoped that the Addreſs would be carried with unanimity, and that it would paſs *nemine contradicente*, but he could not help obſerving, that the Hon. Gentleman who ſpoke laſt, ſeemed to have ſtudied and taken conſiderable pains to prevent, if it were poſſible, that unanimity and harmony ſo generally to be deſired on ſuch an occaſion as that was, and to create a difference of opinion. He ſaw nothing in his Majeſty's Speech that was liable to objection, nor was there any part of the Addreſs that was liable to objection. He had liſtened to the noble Lord who moved the Addreſs with great attention, and he had never liſtened to a Mover of an Addreſs with more ſatisfaction. The noble Lord had not only moved it with great ability, but, if he would allow him to ſay ſo, in a manner that did more honour to his heart than to his head. The noble Lord had moved it like a man of underſtanding, becauſe he had expreſſed the feelings of a man, and the feelings of a loyal and faithful ſubject to his Sovereign. He had moved the Addreſs with as much elegance as he had ever witneſſed, and, in his mind, with as much judgment. The noble Lord had judiciouſly paſſed over the other topics ſtated in the ſpeech, becauſe undoubtedly every man muſt feel that his Majeſty's recovery was ſo far the paramount topic, that every other, weighty and important as they were in themſelves, appeared light and trivial in compariſon to it, as the noble Lord had well hinted. The Hon. Gentleman, on the other hand, who had ſeconded the Addreſs, had thought proper to mingle with the congratulations of that Houſe, on the happy recovery of the Sovereign, praiſe and panegyrick on the perſonal conduct of the King's Miniſter. On ſuch a day as that, at leaſt, Mr. Fox ſaid, he conceived the Right Hon. Gentleman might have been kept in the back ground by his friends, in order to let his Majeſty ſtand forward as the only prominent figure in the picture. With regard to the expreſſions of applauſe beſtowed on Parliament by his Majeſty, he had no objection to them, becauſe he thought it the ſort of language which it were always to be wiſhed his Majeſty ſhould

Mr. Fox.

ſhould hold to his Parliament; but he had never underſtood, that it was either fit or conſtitutional to conſider ſuch applauſe, as applying to the conduct of his Majeſty's Miniſters, in the particular manner in which the Honourable Gentleman, who ſeconded the Addreſs, had choſen to conſider it. The Right Hon. Gentleman, he ſhould ſuppoſe, did not himſelf ſo underſtand it; and the reaſon why the Right Hon. Gentleman, he preſumed, did not ſo underſtand it was, becauſe looking upon the preſent Speech from his Majeſty, as he did upon all other Speeches from the Throne, as the Speech of the Miniſter, the Right Hon. Gentleman, he conceived, would not ſay that a Miniſter ought to take advantage of ſuch a vehicle, and by that means praiſe his own meaſures a ſecond or a third time. He did not beſides believe his Majeſty meant to ſignify any ſuch opinion of the late proceedings as the Hon. Gentleman had intimated, and he would fairly tell the Hon. Gentleman why he did not think it poſſible for his Majeſty to have given any ſuch opinion. It fell to his lot to know from authority, that thoſe who alone could inform his Majeſty of the reaſons and grounds of the different opinions and doctrines that had been formed and maintained, had not had an opportunity of giving his Majeſty any ſuch information, and he knew his Majeſty's ſenſe of duty, and regard to juſtice, too well, to believe, that without any explanation on the ſubject, his Majeſty would decide his opinion. Mr. Fox ſaid, notwithſtanding the pains the Hon. Gentleman had obviouſly taken to effect ſuch a purpoſe, the Hon. Gentleman ſhould not prevent him from voting for the Addreſs, and he would farther tell the Right Hon. Gentleman, that it was not only unparliamentary and unconſtitutional, but diſloyal in the higheſt degree to his Majeſty to aſſert, that thoſe who differ in opinion from his Majeſty's Miniſters, and oppoſe their meaſures, may not be as ſincerely attached to the Sovereign, as any other deſcription of his ſubjects whatever. [Mr. Pitt, and moſt of the Gentlemen on the other ſide, nodded their approbation of this doctrine.] With reſpect to the alliance with the King of Pruſſia, and the other topics treated of in the Speech, Mr. Fox declared he would not then ſay one word, becauſe there would be time enough to ſpeak of foreign alliances and every other part of the Speech on a future day.

The

The Addreſs was agreed to *nemine contradicente*.

The Marquis of *Graham* ſaid, there appeared to him to be but one more ſtep neceſſary for the Houſe to take that day, in order to make their proceeding complete, and that was to vote a Meſſage to her Majeſty, congratulating her on the recovery of the King. His Lordſhip urged the intereſt her Majeſty had in the King's recovery, and declared her conduct, during his Majeſty's illneſs, had been ſo exemplary, and ſo amiable, that it had excited the admiration not only of his Majeſty's ſubjects, but of all Europe. After expatiating on her Majeſty's virtues, his Lordſhip moved an Addreſs of congratulation to the Queen. Marquis of Graham.

The Addreſs was ſeconded by Mr. *Hamilton*.

Mr. *Fox* ſaid, he did not feel any great objection to the motion, otherwiſe than, that he believed it to be perfectly unuſual. He reminded the Houſe, that when, on a former occaſion, an attempt was made on his Majeſty's perſon, that had alarmed the whole nation very much, and drawn forth Addreſſes from both Houſes of Parliament, and all parts of the country, no Addreſs to the Queen had been thought of, though her Majeſty was undoubtedly as much intereſted on that occaſion as on the preſent. He did not, therefore, know upon what principle it was, that they were now to addreſs the Queen, that would not extend much further. This he would venture to ſay, that if all Europe had admired the Queen's conduct during his Majeſty's illneſs, there was another perſon whoſe conduct all Europe had alſo admired, and whoſe character by that conduct had been illuſtrated, and had acquired additional ſplendour and dignity in the eyes of all mankind. If her Majeſty was to be addreſſed, he ſaw no reaſon why the Prince of Wales ought not to be addreſſed. Mr. Fox.

The *Chancellor of the Exchequer* ſaid, if he underſtood the Right Hon. Gentleman correctly, he did not really object to the Addreſs, but only doubted whether it was not unuſual to addreſs the Queen on his Majeſty's recovery. He apprehended that the Addreſs, then moved, was made to the Queen, becauſe there were Precedents for ſuch an Addreſs on their Journals, and none for Addreſſes on ſuch occaſions to any other branches of the Royal Family. Had there been any Precedents, he ſaw no reaſon why an Addreſs ſhould not be voted to the Prince of Wales, but there Mr. Pitt.

were none ſuch. He mentioned the Precedent in the Reign of Queen Anne, when Prince George of Denmark had been dangerouſly ill, and upon his recovery, that Houſe addreſſed the Queen.

The Addreſs to her Majeſty was agreed to.

The humble Addreſs of the Houſe of Commons to the King.

"*Moſt Gracious Sovereign,*

"WE your Majeſty's moſt dutiful and loyal ſubjects, the Commons of Great Britain, in Parliament aſſembled, beg leave to return your Majeſty our humble thanks for the Speech which has been delivered by your Majeſty's command to both Houſes of Parliament; and to congratulate your Majeſty on the happy event of your Majeſty's recovery from your late indiſpoſition, and on your being enabled to attend to the public affairs of your Kingdoms.

"We acknowledge, with the moſt heartfelt joy and gratitude, the goodneſs of Almighty God in reſtoring your Majeſty to the wiſhes and prayers of your faithful ſubjects; and earneſtly hope that your Majeſty may long continue to rule over an affectionate and grateful people.

"Permit us to lay before your Majeſty our dutiful acknowledgements of the favourable ſenſe which your Majeſty entertains of our affectionate attachment to your Majeſty's perſon, and of our concern for the honour and intereſt of your Crown, and the ſecurity and good government of your dominions.

"It will be our conſtant endeavour to merit your Majeſty's good opinion, by labouring to promote the happineſs of your people; and we will apply ourſelves, with as little delay as poſſible, to the different objects of national concern which require our attention.

"We beſeech your Majeſty to accept our humble thanks for being graciouſly pleaſed to order a copy of the treaty of defenſive alliance between your Majeſty and the King of Pruſſia to be laid before us, and to be aſſured that we are deeply ſenſible of your Majeſty's juſt regard to the intereſts of your ſubjects, and the peace of Europe, in your endeavours to prevent the extenſion of hoſtilities in the North, and your deſire to effect a general pacifica-

tion. We learn with great ſatisfaction, that your Majeſty continues to receive aſſurances of the favourable diſpoſition of the other Courts of Europe towards this country.

" We ſhall not fail to proceed, with chearfulneſs and diſpatch, to make the neceſſary proviſion for the ſeveral branches of the public ſervice.

" We ſhould be wanting to ourſelves, and to thoſe whom we repreſent, if we did not teſtify, in the warmeſt manner, the gratitude with which we obſerve the paternal expreſſion, of your Majeſty's regard for the happineſs of your people, whoſe invariable ſentiments of zeal, loyalty, and attachment to your Majeſty are animated and confirmed by the uniform experience of your Majeſty's virtues, and by the ſenſe of the bleſſings which they enjoy under your Majeſty's auſpicious government."

Earl of Courtoun.

The *Earl of Courtoun* reported to the Houſe, that his Majeſty having been attended with their Addreſs of Wedneſday laſt, was pleaſed to receive the ſame very graciouſly, and to give the following anſwer:

Gentlemen,

" I thank you moſt cordially for this loyal and dutiful Addreſs. Your warm expreſſions of congratulation, and the ſignal proofs which I have repeatedly received of the ſincere and affectionate attachment of my faithful Commons, and of the nation at large, have made an impreſſion on my mind which no time will ever efface."

CORRECT LISTS of the MAJORITY and MINORITY on the Queſtions reſpecting the REGENCY. With a Liſt of thoſe Members who have NOT voted on thoſe Queſtions.

MAJORITY on the Queſtions reſpecting the REGENCY.

Abercrombie, B. Eſq.
Adams, J. Eſq.
Addington, H. Eſq.
Addington, Heley, Eſq.
Aldridge, J. Eſq.
Amyatt, J. Eſq.
Anneſley, F. Eſq.
Apſley, Lord
Arden, Sir R. P.
Arden, Lord
Bankes, H. Eſq.
Barclay, R. Eſq.
Baring, I. Eſq.
Baring, F. Eſq.
Barne, B. Eſq.
Barré, Iſaac, Eſq.
Barrington, J. Eſq.
Barwell, R. Eſq.
Baſtard, E. Eſq.
Bathurſt, P. Eſq.
Bayham, Lord
Bayley, N. Eſq.
Bearcroft, Edward, Eſq.
Beaufoy, H. Eſq.
Belgrave, Lord
Berkeley, Hon. G.
Bellingham, W. Eſq.
Biſhop, Sir Cecil
Blackburn, J. Eſq.
Bloxam, M. Eſq.
Bond, J. Eſq.
Boone, C. Eſq.
Bootle, R. W. Eſq.
Boſcawen, H. Eſq.
Boſcawen, W. A. S.
Bower, G. Eſq.
Bramſton, T. B. Eſq.
Brandling, C. Eſq.
Brett, C. Eſq.
Brickdale, M. Eſq.
Brodie, A. Eſq.
Brooke, T. Eſq.
Browne, J. H. Eſq.
Browne, F. J. Eſq.
Brudenell, G. B. Eſq.
Burgeſs, J. B. Eſq.
Burton, F. Eſq.
Call, J. Eſq.
Calvert, J. Eſq.
Calvert, J. jun. Eſq.
Campbell, Lord F.
Campbell, Ilay, Eſq.
Carew, R. P. Eſq.
Caſwell, T. Eſq.
Cawthorne, J. F. Eſq.
Cecil, Henry, Eſq.
Chaytor, W. Eſq.
Cocks, Hon. J. S.
Colt, R. Eſq.
Cornwallis, Hon. W.
Cotton, Sir R. S.
Courtoun, Earl of
Crickett, C. A. Eſq.
Cruger, H. Eſq.

Crutchley,

Crutchley, J. Eſq.
Curzon, P. A. Eſq.
Darell, L. Eſq.
Daſhwood, Sir H.
Dawes, J. Eſq.
Denham, Sir J. S.
Devaynes, W. Eſq.
Dickens, F. Eſq.
Dimſdale, B. Eſq.
Dolben, Sir W.
Douglaſs, A. Eſq.
Douglaſs, Sir G.
Drake, W. ſen. Eſq.
Drake, W. jun. Eſq.
Drummond, H. Eſq.
Drummond, J. Eſq.
Duncomb, H. Eſq.
Dundas, H. Eſq.
Duntze, Sir J.
Edgecumbe, Hon. R.
Edwin, C. Eſq.
Edmonſtone, Sir A.
Egerton, J. W. Eſq.
Egerton, W. Eſq.
Eliot, Hon. E. J.
Eliot, Hon. J.
Ellis, J. T. Eſq.
Eſtwick, Samuel, Eſq.
Euſton, Earl
Fane, Hon. H.
Fane, Hon. T.
Fanſhaw, R. Eſq.
Fellows, W.
Ferguſſon, Sir Adam
Fife, Earl of
Fitzroy, Lord C.
Fleming, J. Eſq.
Flood, Rt. Hon. Henry
Fludyer, George, Eſq.
Fraſer, James, Eſq.
Gammon, Richard, Eſq.
Gaſcoyne, Bamber, Eſq.
Gideon, Sir Sampſon
Gipps, George, Eſq.
Gilbert, T. Eſq.
Goddard, Ambroſe, Eſq.
Gordon, Lord W.
Gordon, J. Eſq.
Gough, Sir H.
Gower, Earl
Gower, Hon. J. L.
Graham, Marquis of
Grant, General
Gregory, Mark, Eſq.
Grenville, Right Hon. W. W. (Speaker)
Grigby, S. Eſq.
Grenville, Rt. Hon. James
Grimſton, Viſcount
Grimſton, Hon. William
Groſvenor, Hon. Thomas
Hales, Sir Philip
Halifax, Sir T.
Hamilton, J. J. Eſq.
Hamilton, John, Eſq.
Hammet, Sir Benjamin
Hardinge, G. Eſq.
Harley, Rt. Hon. T.
Hawkins, C. Eſq.
Henniker, J. Eſq.
Herbert, Lord
Hill, Sir Richard
Hill, J. Eſq.
Hinchinbrook, Viſcount
Hobart, Hon. Henry
Hobart, R. Eſq.
Hopkins, B. B. Eſq.

Houghton,

Houghton, Sir Henry
Home, Patrick, Eſq.
Honywood, Sir John
Hood, Sir Alexander
Hopkins, Richard, Eſq.
Howard, Sir George, K. B.
Howard, Hon. R.
Hungerford, J. P. Eſq.
Hunter, John, Eſq.
Jekyll, Joſeph, Eſq.
Jennings, George, Eſq.
Jervis, Sir J.
Jones, T. Eſq.
Johnſtone, Sir James
Irvine, Alexander, Eſq.
Kempe, T. Eſq.
Kenſington, Lord
Kent, Sir Charles
Knight, John Galley, Eſq.
Kynaſton, John, Eſq.
Langham, Sir James
Langſton, John, Eſq.
Laſcelles, E. Eſq.
Lawley, Sir R.
Le Meſurier, Paul, Eſq.
Lenox, Lord G.
Lethieullier, Benjamin, Eſq.
Lewes, Sir W.
Lincoln, Earl
Littleton, Sir Edward
Long, C. Eſq.
Long, Sir J. T.
Lygon, W. Eſq.
Macdonald, Sir Archibald
Macnamara, J. Eſq.
Mackreth, Robert, Eſq.
Maddocks, John, Eſq.
M'Dowall, Andrew, Eſq.
Mainwaring, William, Eſq.
Manners, R. Eſq.
Martin, J. Eſq.
Maſters, T. Eſq.
Mawbey, Sir Joſeph
Medley, George, Eſq.
Metcalf, Philip, Eſq.
Middleton, Sir C.
Middleton, W. Eſq.
Milnes, R. S. Eſq.
Minchin, H. Eſq.
Mitford, John, Eſq.
Montague, Matthew, Eſq.
Moore, Major
Mornington, Earl of
Mortimer, Hans Winthorp
Mulgrave, Lord
Muncaſter, Lord
Munro, Sir Hector, K. B.
Murray, Hon. Gen. James
Murray, Hon. D.
Neville, Richard, Aldw.
Nicholas, R. Eſq.
Nugent, E. Eſq.
Onſlow, Hon. T.
Orchard, Paul, Eſq.
Pardoe, J. Eſq.
Parry, J. Eſq.
Peachy, John, Eſq.
Penn, Richard, Eſq.
Pennyman, Sir James
Phelips, Edward, Eſq.
Phillipſon, Major-General
Pierſe, H. Eſq.
Phipps, Hon. Henry
Pitt, Right Hon. William
Pitt, W. Eſq.
Pochin, William, Eſq.
Popham, Alex. Eſq.

Powney, Pen. Port. Eſq.
Praed, W. Eſq.
Preſton, Sir Charles
Preſton, Robert, Eſq.
Pringle, Mark, Eſq.
Pulteney, William, Eſq.
Pye, Henry James, Eſq.
Raſhleigh, P. Eſq.
Radcliffe, Sir C. F.
Rich, Sir Thomas
Robinſon, John, Eſq.
Robinſon, Charles, Eſq.
Rolle, John, Eſq.
Rooke, J. Eſq.
Roſs, C. Eſq.
Roſe, George, Eſq.
Rouſe, Sir J.
Rouſe, C. W. B. Eſq.
Ruſhout, Sir J.
Ryder, Hon. D.
Scott, Sir John
Scott, Major John
Selwyn, George Auguſtus, Eſq.
Selwyn, W. Eſq.
Shaftoe, Robert, Eſq.
Shuckburgh, Sir G. A. W.
Smith, Robert, Eſq.
Smith, William, Eſq.
Smith, Joſhua, Eſq.
Smith, Samuel, Eſq.
Smith, Samuel, jun. Eſq.
Smith, C. L. Eſq.
Smyth, Joſhua, Eſq.
Sneyd, W. Eſq.
Sotheron, W. S. Eſq.
Stanhope, Walter Spencer, Eſq.
Stephenſon, J. Eſq.
Stanley, John, Eſq.
Steele, Thomas, Eſq.
Stephens, Philip, Eſq.
Stephenſon, J. Eſq.
Strutt, John, Eſq.
Stuart, Hon. Charles
Steward, Gabriel, Eſq.
Sullivan, Richard John, Eſq.
Sumner, George, Eſq.
Sutton, Sir Richard
Sutton, George, Eſq.
Sutton, J. Eſq;
Sykes, Sir C.
Sykes, Sir Francis
Thiſtlewaite, Robert, Eſq.
Thomas, G. W. Eſq.
Thornton, Henry, Eſq.
Thornton, Samuel, Eſq.
Thornton, Robert, Eſq.
Thynne, Hon. Thomas
Townſhend, Hon. J. T.
Turdway, C. Eſq.
Turner, Sir G. P.
Tyrconnel, Earl of
Villiers, Right Hon. J. C.
Vanſittart, George, Eſq;
Vernon, R. Eſq;
Watſon, B. Eſq.
Weyms, W. Eſq.
Wenman, Viſc.
Whitbread, S. Eſq.
Williams, W. Eſq.
Waller, Robert, Eſq.
Weſtcote, Lord
Wilberforce, William, Eſq.
Williams, Sir Hugh
Wilmot, John, Eſq.
Wodehouſe, Sir John
Wood, Robert, Eſq.
Wraxall, Nath. Wm. Eſq.
Worceſter, Marquis of
Yonge, Right Hon. Sir George
York, Hon. P.
Young, Sir William

MINORITY on the Queſtions reſpecting the REGENCY.

A'COURT, W. P. A. Eſq.
Adam, W. Eſq.
Amcotts, Wharton, Eſq.
Anſon, G. Eſq.
Anſtruther, J. Eſq.
Aſtley, Sir Edward
Bampfylde, Sir Charles W.
Baſtard, J. P. Eſq.
Baſſet, Sir Francis
Beauchamp, Viſc.
Beckford, R. Eſq.
Bentinck, Ld. Edward
Benyon, R. Eſq.
Bertie, Hon. Peregrine
Bouverie, Hon. W.
Bridgeman, Sir H.
Bridgeman, Orlando, Eſq.
Bullock, John, Eſq.
Burke, Right Hon. E.
Burrel, Sir P.
Burton, R. Eſq.
Burgoyne, Rt. Hon. J.
Calcraft, John, Eſq.
Campbell, John Pryſe, Eſq.
Carnegie, Sir David
Cavendiſh, Lord George H.
Cavendiſh, Lord George
Chriſtian, John, Eſq.
Clarke, T. J. Eſq.
Clayton, Sir Robert
Clayton, Wm. Eſq.
Cleveland, John, Eſq.
Clive, Lord
Clive, Wm. Eſq.
Codrington, Sir W.
Coke, D. P. Eſq.
Coke, Edward, Eſq.
Colhoun, W. Eſq.
Collier, Sir George
Conway, Hon. G. S.
Conway, Hon. Robert S.
Conway, Hon. Wm. S.
Conway, Hon. Hugh S.
Cooper, Sir Grey
Cornewall, Sir Geo.
Courtney, J. Eſq.
Cotes, John, Eſq.
Cotsford, Edward, Eſq.
Creſpigny, Philip Champ. Eſq.
Crewe, J. Eſq.
Cunningham, Sir W. A.
Dalrymple, Wm. Eſq.
Damer, Hon. George
Damer, Hon. Lionel
Davers, Sir Char.
Dawkins, J. Eſq.
Delmé, Peter, Eſq.
Dempſter, G. Eſq.
Dickinſon, Wm. Eſq.
Downe, Viſcount
Duncannon, Viſcount
Dundas, Sir T.
Dundas, Thomas, Eſq.
Eden, Sir John
Edwards, G. Noel, Eſq.
Elliot, Sir G.
Ellis, Right Hon. W.
Elphinſtone, Hon. G. K.
Erſkine, Sir J.
Evelyn, Wm. Eſq.
Ewer, W. Eſq.

Farrer,

Farrer, Thomas, Eſq.
Fetherſtonhaugh, Sir H.
Fielding, Viſcount
Fitzherbert, T. Eſq.
Fitzpatrick, Right Hon. R.
Fletcher, Sir H.
Fleming, Sir Michael Le
Foley, Hon. Edw.
Foley, Hon. And.
Foreſter, Geo. Eſq.
Fox, Right Hon. Charles James
Francis, P. Eſq.
Frederick, Sir J.
Fullarton, Colonel
Galway, Viſc.
Garforth, J. B. Eſq.
Gould, C. Eſq.
Gould, Sir Charles
Greville, Right Hon. C. F.
Grey, C. Eſq.
Hamilton, Rt. Hon. W. Ger.
Hannay, Sir S.
Harriſon, John, Eſq.
Heneage, J. W. Eſq.
Honeywood, Filmer, Eſq.
Howell, D. Eſq.
Hunt, T. Eſq.
Huſſey, Wm.
Inchinquin, Earl of
Jervoiſe, J. Clarke, Eſq.
Jervoiſe, T. Clarke, Eſq.
Joliffe, W. Eſq.
Keene, W. Eſq.
Kenrick, John, Eſq.
Kingſmill, R. Eſq.
Knight, Rich. Payne, Eſq.
Ladbroke, Rob. Eſq.
Lambton, W. H. Eſq.
Laurence, Wm. Eſq.
Lawrie, Sir R.
Lee, John, Eſq.
Legh, T. Peter, Eſq.
Lemon, Sir W.
Lemon, John, Eſq.
Liſburne, Earl
Liſter, T. Eſq.
Long, Dudley, Eſq.
Loveden, Edward L. Eſq.
Lowther, Colonel James
Lowther, Sir William
Lowther, John, Eſq.
Ludlow, Earl
Macbride, John, Eſq.
Mackenzie, F. H. Eſq.
Mackworth, Sir Herbert
Macpherſon, James, Eſq.
Maitland, Viſc.
Malden, Viſc.
Marſham, Hon. Charles
Maſters, Richard, Eſq.
Melbourn, Viſcount
Middleton, Sir Wm.
Middleton, Lord
Molineux, Criſp.
Moleſworth, Sir William
Monckton, Hon. Edward
Montague, Right Hon. F.
Morgan, John, Eſq.
Morſhead, Sir John
Moyſey, Abel, Eſq.
Miller, Sir John
Moſtyn, Sir Roger
Mundy, Edw. M.
Myddleton, Richard, Eſq.
Nedham, Wm. Eſq.
Neſbit, John, Eſq.

Newhaven, Lord
Newnham, Nathaniel, Eſq.
North, Lord
North, Hon. G. A.
Norton, Hon. Chapple
Ord, John, Eſq.
Oſbaldeſton, George, Eſq.
Owen, Hugh, Eſq.
Owen, W. Moyſtyn, Eſq.
Page, Francis, Eſq.
Palmerſton, Viſc.
Parker, Sir Peter
Parkyns, Thomas Boothby, Eſq.
Payne, J. Willet, Eſq.
Pelham, Hon. Henry, Eſq.
Pelham, Charles A. Eſq.
Pelham, Right Hon. Tho.
Penrhyn, Lord
Penton, Henry, Eſq.
Philips, J. G. Eſq.
Pierpoint, C. Meadows, Eſq.
Plumer, William, Eſq.
Popham, Wm. Eſq.
Powys, Thomas, Eſq.
Purling, John, Eſq.
Rawlinſon, Sir Walter
Rawlinſon, Abraham, Eſq;
Ridley, Sir M. W.
Ruſhworth, Edward, Eſq.
Ruſſel, Lord John
Salt, Samuel, Eſq.
Satterthwaite, J. C. Eſq.
Saville, Hon. Rd. Lumley
Sawbridge, John, Eſq.
Scott, Thomas, Eſq.
Scudamore, John, Eſq.
Senhouſe, H. Eſq.
Sheridan, R. B. Eſq.
Sinclair, Sir John
Skeene, George, Eſq.
Sloane, Hans, Eſq.
Sloper, Wm. Charles
Smyth, Sir Robert
Spencer, Lord Charles
Spencer, Lord Robert
Stanley, Thomas, Eſq.
Stephenſon, Rowland, Eſq.
Stewart, Alexander, Eſq.
Strachey, Henry, Eſq.
Stuart, Hon. James
Stuart, John Shaw, Eſq.
St. Aubin, St. John
St. John, Hon. St. Andrew
Sturt, Charles, Eſq.
Swinburne, Sir J. E.
Taylor, Clement, Eſq.
Taylor, Michael Angelo, Eſq.
Tempeſt, John, Eſq.
Townſhend, Lord John
Thorold, Sir John
Vanneck, Sir Gerard William
Vaughan, Hon. John
Vyner, Robert, Eſq.
Upper Oſſory, Earl
Walwyn, James, Eſq.
Walpole, Hon. Horatio
Warren, Sir George
Webb, John, Eſq.
Webſter, Sir Godfrey
Weddel, William, Eſq.
Whitmore, Thomas, Eſq.

Wilbraham, Roger, Eſq.
Winnington, Edw. Eſq.
Wrightſon, Wm. Eſq.
Wyndham, Right Hon. W.
Wynn Glynn, Eſq.
Wynn, Sir W. Williams

LIST of thoſe Members who have not voted on the Queſtions reſpecting the REGENCY.

ADEANE, J. W. Eſq.
Ambler, Charles, Eſq.
Aubrey, Thomas, Eſq.
Aubrey, Sir John
Barnard, Viſc.
Beckford, Wm. Eſq.
Campbell, Sir James
Clavering, Sir Thomas
Compton, Lord
Cunninghame, Rt. Hon. Robt.
Cuſt, Francis C. Eſq.
Eden, Rt. Hon. William
Ferguſon, James, Eſq.
Goodricke, Sir John
Hare, James, Eſq.
Lewis, Edw. Eſq.
Luttrel, John Fownes, Eſq.
Manſell, Sir William
Milford, Lord
Mitford, W. Eſq.
Montgomerie, Hugh, Eſq.
Orde, Right Hon. Thomas
Palk, Lawrence, Eſq.
Peyton, Sir Harry
Pitt, Hon. George
Rumbold, Sir Thomas
Ruſſell, Lord Wm.
Smith, Nathaniel, Eſq.
Trevanion, John, Eſq.
Trevelyan, Sir John
Trottman, F.
Vaughan, Ev. Lloyd, Eſq.
Watherſtone, Dalhouſie, Eſq.
Wilkes, John, Eſq.
Wycombe, Lord

WORCESTER and GLOUCESTER, Vacant.

COLCHESTER, Double Return.

REPORT

Wilbraham, Roger, Esq.
Wilmington, Earl.
Wrightson, Wm. Esq.
Wykeham, Right Hon. W.
Wynn, Sir W. Williams

LIST of those Members who have not voted on the Questions reflecting the RECENCY.

ADEANE, J. W. Esq.
Amyatt, Charles, Esq.
Anbury, Thos. Esq.
Anbury, Sir John
Annand, Wm.
Baillie, Wm. Esq.
Campbell, Sir James
Carring, Sir Thomas
Carrington, Lord
Cavendish, Rt. Hon. Rob.
Clay, Francis C. Esq.
Cole, Rt. Hon. William
Corbett, James, Esq.
Courtenay, Sir John
Hare, James, Esq.
Lewin, Edw. Esq.
Lowndes, John Towner, Esq.
Manvell, Sir William
Milford, Lord
Milford, W. Esq.
Montgomerie, Hugh, Esq.
Orde, Right Hon. Thomas
Parr, Lawrence, Esq.
Pigeon, Sir Harry
Pitt, Hon. George
Rumbold, Sir Thomas
Rushout, Lord Wm.
Smith, Nathaniel, Esq.
Trevanion, John, Esq.
Trevelyan, Sir John
Trottman, Y.
Vaughan, Ev. Lloyd, Esq.
Watkins Lloyd, Dalhouse, Esq.
Wilkes, John, Esq.
Wynne, Lord

Worcester and Chesterfield, Y. ds.
Gracechurch, Double Re-turn.

N. B. POST

REPORT

FROM THE

COMMITTEE

APPOINTED TO

EXAMINE THE PHYSICIANS

WHO HAVE ATTENDED

HIS MAJESTY,

DURING HIS ILLNESS,

Touching the State of His Majesty's Health.

LONDON:

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REPORT.

The Committee appointed to examine the Phyſicians who have attended his Majeſty, during his illneſs, touching the ſtate of His Majeſty's health; and to report ſuch examination to the Houſe;

HAVE, purſuant to the order of the Houſe, proceeded to examine the ſaid Phyſicians; which examination is as follows:

Doctor RICHARD WARREN called in, and examined.

Whether, in his opinion, the ſtate of His Majeſty's health is, or is not, ſuch as to render his Majeſty incapable, either of coming to Parliament, or of attending to public buſineſs?

His Majeſty's ſtate of health is ſuch as to render him incapable of coming to Parliament, or attending public buſineſs.

What hopes has Dr. Warren of His Majeſty's recovery?

The hopes of His Majeſty's recovery muſt depend on the probability of cure; and that can only be judged of by what has happened to others in ſimilar caſes; and, as the majority of others have recovered, there is a probability that His Majeſty may recover likewiſe.

Can Dr. Warren form any judgment, or probable conjecture, of the time which His Majeſty's illneſs is likely to laſt?—No.

What degree of experience has Dr. Warren had of the particular ſpecies of diſorder with which His Majeſty is afflicted?

In the courſe of 27 or 28 years practice I have ſeen many perſons diſordered in a manner ſimilar to that of His Majeſty; ſome have ſoon recovered under my ſole care; when that has not happened, I have always called in the perſons who make this branch of medicine their particular ſtudy, and have ſometimes attended in conjunction with them, but have oftener left the patients to their care, and have afterwards attended in conſultation only, and in many caſes not at all.

Whether, when Dr. Warren ſpeaks of others in ſimilar caſes to that of His Majeſty, he means to include all the different ſpecies of the diſorder, or to confine himſelf to that particular ſpecies with which His Majeſty is afflicted?

I do not mean to confine myſelf to that particular ſpecies with which His Majeſty is afflicted, but to include all the different ſpecies of the diſorder.

Can Dr. Warren ſtate how many particular ſpecies there are of this diſorder?—No.

Can he ſtate any diſtinct ſpecies of the diſorder?

Yes—though the immediate cauſes of this diſorder cannot be aſcertained, yet ſome of the remote ones are well known. Injuries received from blows or falls—ſudden affections of the mind—the effect of fever. Beſides theſe, there are ſeveral internal cauſes of this diſorder; namely, exoſtoſes, indurations, and ill-conformation of the parts.

Whether this diſorder may not ſometimes exiſt, when it cannot be referred to any of thoſe cauſes which Dr. Warren has ſpecified?—Yes.

Is His Majeſty's diſorder, in your opinion, referrible to any of the cauſes enumerated by you, or can you aſſign any known cauſe to which, in your judgement, it is referrible?

I cannot aſſign His Majeſty's malady to any cauſe whatever, as I have not data ſufficient to ground an anſwer upon.

In thoſe ſpecies of the diſorder, which are not referrible to any aſſignable cauſe, is the probability of cure greater or leſs than the probability eſtimated on all the ſpecies taken together?—I cannot tell.

Can Dr. Warren ſtate what the comparative probability is, in each of the cauſes which he has aſſigned?

The diſorder proceeding from external injuries, ſuch as blows, is frequently cured if medicine be expeditiouſly applied. When the malady ariſes from ſudden affections of the mind, it is very frequently cured—when from the effect of

fever,

fever, it is oftener cured than when from any other cauſe. When the malady proceeds from the internal cauſes mentioned above, no good can be done by medicine.

Can Dr. Warren ſtate what proportion, of the whole number of perſons afflicted with this malady, have been ſo, owing to each of the cauſes he has enumerated, and what proportion, where it can be referred to no aſſignable cauſe?

I cannot ſtate any preciſe proportion; but, out of a great number, there are very few caſes where it is poſſible to aſcertain that it proceeds from any aſſignable cauſe.

Is there any one of the particular cauſes enumerated, to which Dr. Warren can ſay, that the diſorder with which His Majeſty is afflicted is not to be referred?

I do not think His Majeſty's diſorder appears to proceed from any one of the cauſes enumerated by me.

Can Dr. Warren ſay with certainty, whether His Majeſty's diſorder may, or may not, have proceeded from injury by blows or falls?—I cannot.

Can Dr. Warren ſay with certainty, whether His Majeſty's diſorder may, or may not, have proceeded from ſudden affections of the mind?—I cannot.

Can Dr. Warren ſay with certainty, whether His Majeſty's diſorder may, or may not, have been the effect of fever?

I can ſay with certainty it has not.

Can Dr. Warren ſay with certainty, whether His Majeſty's diſorder may, or may not, have proceeded from any of the internal cauſes he has mentioned?—I cannot.

Whether, in thoſe ſpecies of the diſorder which cannot be referred to any aſſignable cauſe, the probability of cure may not be various in different caſes, according to the ſymptoms of the particular caſe, or the apparent degree of the diſorder?—I think not, unleſs ſigns of convaleſcence are coming on.

Whether the knowledge of the remote cauſe is of aſſiſtance towards promoting the cure?

In many caſes I think it is, but ſometimes not.

Whether, in his Majeſty's diſorder, Dr. Warren ſees any preſent ſigns of convaleſcence?—No.

Whether every cure, in the ſame perſon, of a diſorder which has returned, is included in the calculations of the whole number of cures?

I conſider every caſe that comes as a new caſe, and have included them in that calculation; but I believe that, excluding them, the majority ſtill are cured.

Whether, of thoſe perſons whoſe diſorder cannot be referred to any aſſignable cauſe, the greater number have, or have not, been cured?

I cannot anſwer that with accuracy.

Has the greater number of men, that have been afflicted with this diſorder, recovered?—Yes.

Has the greater number of perſons recovered, whoſe diſorder has laſted, without ſigns of convaleſcence, as long as that of his Majeſty has already done?—Yes.

[Withdraws.

Sir GEORGE BAKER called in, and examined.

Whether, in your opinion, the ſtate of His Majeſty's health is, or is not, ſuch as to render His Majeſty incapable, either of coming to Parliament, or of attending to public buſineſs?

I think that the ſtate of His Majeſty's health is ſuch, as renders him incapable of coming to Parliament, or of doing any other public buſineſs?

What hopes has Sir George Baker of His Majeſty's recovery?

I hope that His Majeſty will recover, becauſe I think it probable. My own experience, and the experience of other Phyſicians, leads me to think that His Majeſty's diſorder is curable.

Can Sir George Baker form any judgement, or probable conjecture, of the time which His Majeſty's illneſs is likely to laſt?

I can form no judgement or conjecture as to the probable duration of His Majeſty's diſorder.

What degree of experience has Sir George Baker had of the particular ſpecies of diſorder with which His Majeſty is afflicted?

I was formerly a pupil of Dr. Batty's, who attended an hoſpital, where I had an opportunity of ſeeing many inſtances of this diſorder.—I have likewiſe had private patients, from time to time, under that diſorder; but whenever the diſorder has been of ſome continuance, I have deſired the aſſiſtance of phyſicians who particularly attended perſons ſo diſordered.

Whether Sir George Baker founds his opinion, in his anſwer to the ſecond queſtion, upon the particular ſymptoms

toms of His Majeſty's caſe, or upon his experience of the diſorder in general, or upon both?

Upon my experience of the diſorder in general.

Whether, in His Majeſty's diſorder, Sir George Baker ſees any preſent ſigns of convaleſcence?

I do not ſee any preſent ſigns of convaleſcence.

Whether Sir George Baker learns from experience, that the greater number of perſons, who have been afflicted with this diſorder, have recovered?

Upon general experience, the greater part have recovered.

Whether every caſe, in the ſame perſon, of a diſorder which has returned, is included in the calculation of the whole number of cures?

I will not undertake to anſwer that queſtion.

Has the greater number of men, that have been afflicted with this diſorder, recovered?—I think ſo.

Has the greater number of perſons recovered, whoſe diſorder has laſted, without ſigns of convaleſcence, as long as that of His Majeſty has already done?

Yes, I can anſwer that in the affirmative.

Was Sir George Baker in attendance upon His Majeſty, as his phyſician, previous to his being afflicted with his preſent diſorder?—Yes.

Whether Sir George Baker can aſſign any known cauſe, to which, in his judgement, His Majeſty's preſent diſorder is referrible?

I can aſſign no known cauſe to which His Majeſty's preſent diſorder is referrible.

Was the attack of His Majeſty's diſorder ſudden or gradual?—Sudden.

When did that attack take place?

The firſt ſuſpicion I had of this diſorder was in the evening of Wedneſday the 22d of October laſt.

Whether any fever, or other complaint, had preceded that attack?

There had been fever and other complaints; but on that morning His Majeſty had no fever.

Whether, in caſes where the attack has been ſudden, the recovery has been ſudden alſo?

My obſervations on this diſorder do not enable me to anſwer that queſtion. [Withdraws.

The Reverend Doctor FRANCIS WILLIS called in, and examined.

Whether, in his opinion, the ſtate of His Majeſty's health is, or is not, ſuch as to render His Majeſty incapable, either of coming to Parliament, or of attending to public buſineſs?—He certainly is not capable.

What hopes has Dr. Willis of His Majeſty's recovery?

I have great hopes of His Majeſty's recovery. If it were any other perſon but His Majeſty, I ſhould ſcarce entertain a doubt: when His Majeſty reflects upon an illneſs of this kind, it may depreſs his ſpirits, and retard his cure more than a common perſon.

Can Dr. Willis form any judgement, or probable conjecture, of the time which His Majeſty's illneſs is likely to laſt?—I cannot.

What degree of experience has Dr. Willis had of the particular ſpecies of diſorder with which his Majeſty is afflicted?

A great deal for 28 years; I imagine I have never had leſs than 30 patients every year of the time.

Whether Doctor Willis founds his opinion, in his anſwer to the ſecond queſtion, upon the particular ſymptoms of His Majeſty's caſe, or upon his experience of the diſorder in general, or upon both?—Upon both.

Whether, in His Majeſty's diſorder, Dr. Willis ſees any preſent ſigns of convaleſcence?

I cannot ſay that I do; at the ſame time there is every thing leading towards it, as the irritation has, in a great meaſure ſubſided, which muſt precede convaleſcence, or any appearance of it: it muſt come on very gradually.

Whether Dr. Willis learns from experience, that the greater number of perſons, who have been afflicted with this diſorder, have recovered?

A very great majority; I do not think I ſhould ſpeak falſe, if I ſaid nine out of ten, of thoſe that have been put under my care, within three months after they had begun to be afflicted with the diſorder.

Whether every cure in the ſame perſon, of a diſorder which has returned, is included in the calculation of the whole number of cures?

If a perſon has been twice brought under my care, and twice cured, I reckoned two cures, as I ſhould of a fever.

But

Has the greater number of men, that has been afflicted with this diſorder, recovered?

I never calculated that; I did not think there was any difference between the two ſexes as to the facility of cure.

What ſtate of his patients does he conſider as a cure?

Their being able to take upon themſelves the conduct of their own affairs, and to do the ſame buſineſs they were uſed to do before they fell ill.

What is the ſhorteſt ſpace of time within which, in his experience, he has known perſons, affected as His Majeſty is, reſtored to health?

Six weeks or two months is the ſhorteſt, I believe.

Does Dr. Willis ſee any thing in His Majeſty's caſe which enables him to pronounce that His Majeſty may not be reſtored to health within that compaſs of time from the commencement of his attendance on his Majeſty?

I do not ſee any thing to enable me to pronounce that he may not.

Does Dr. Willis ſee any thing in His Majeſty's caſe, which enables him to pronounce that His Majeſty will be reſtored to health within the ſpace of that time?—I cannot preſume to ſay that he will.

What has been the longeſt ſpace of time for which the diſorder has laſted, in the caſe of ſuch patients as have been brought to him within three months from the beginning of the attack, and have recovered?—A year and a half, I believe, has been the longeſt of ſuch patients as have been brought to me; and few have been ſo long.

What is the moſt ordinary ſpace of time he has found neceſſary for the cure of ſuch patients?—I ſhould think five or ſix months, as near as I can calculate.

How long has Dr. Willis attended His Majeſty?—Since Friday morning laſt.

Whether, from your own obſervation, or from the particulars which have been communicated to you, you can aſſign any known cauſe to which, in your judgement, His Majeſt's diſorder is referrible?—From my own experience with regard to His Majeſty, I cannot ſay any thing; but from a very particular detail of his mode and manner of life for twenty-ſeven years, I do imagine, that weighty buſineſs, ſevere exerciſe, and too great abſtemiouſneſs, and little reſt, has been too much for his conſtitution.—It is very early to give an opinion, and I may be miſtaken, but I am the more inclined to think myſelf right, becauſe the medicine that has

has been given His Majeſty ever ſince Sunday morning, and was intended to meet and counteract thoſe cauſes, has had as much effect as I could wiſh; and His Majeſty has certainly been gradually better from the firſt ſix hours of his taking it.

Whether you have reaſon to believe, that the circumſtances you have enumerated are frequently cauſes of this diſorder!—I believe they are very frequently.

Where the diſorder has ariſen from ſuch cauſes, have you frequently known it cured?—Very frequently.

Have the greater number of thoſe caſes been cured or not?—Certainly. I believe they are more eaſily to be cured, than where the diſorder proceeds from exceſſive drinking, or other intemperance, or ſome other cauſes.

[Withdraws.

Doctor THOMAS GISBORNE called in and examined.

Whether, in his opinion, the ſtate of His Majeſty's health is, or is not, ſuch as to render His Majeſty incapable of coming to Parliament, or of attending to public buſineſs?—I think he is abſolutely incapable.

What hopes has Dr. Giſborne of His Majeſty's recovery?—I think there are hopes.

Can Dr. Giſborne form any judgment, or probable conjecture, of the time which His Majeſty's illneſs is likely to laſt?—I think that is impoſſible.

What degree of experience has Dr. Giſborne had of the particular ſpecies of diſorder with which His Majeſty is afflicted?—Not much particular experience. I have ſeen perſons afflicted in the ſame way, even to a greater degree, who have recovered.

Whether Dr. Giſborne founds his opinion, in his anſwer to the ſecond queſtion, upon the particular ſymptoms of His Majeſty's caſe, or upon his experience of the diſorder in general, or upon both?—Upon both.

Whether, in His Majeſty's diſorder, Dr. Giſborne ſees any preſent ſigns of convaleſcence?—I think that can hardly be ſaid.

Whether Doctor Giſborne can aſſign any known cauſe to which, in his judgment, His Majeſty's preſent diſorder is referrible?—No.

[Withdraws,

Doctor

Doctor ANTHONY ADDINGTON called in and examined.

Whether, in your opinion, the ſtate of His Majeſty's health is, or is not, ſuch as to render His Majeſty incapable, either of coming to Parliament, or attending public buſineſs?—I think he is incapable, at leaſt he was when I ſaw His Majeſty laſt: It was about a week ago.

What hopes has Dr. Addington of His Majeſty's recovery?—I think there are very good grounds of hope.

Can Dr. Addington form any judgement, or probable conjecture, of the time which His Majeſty's illneſs is likely to laſt?—It is a very hard matter to form any certain judgment or conjecture.

What degree of experience has Dr. Addington had of the particular ſpecies of diſorder with which His Majeſty is afflicted?—I had patients, in a houſe that I built at Reading, for years antecedent to the year 1754, when I came to London.

Do you found your opinion, in your anſwer to the ſecond queſtion, upon the particular ſymptoms of His Majeſty's caſe, or upon your experience of the diſorder in general, or upon both?—I think there is ſome reaſon to found it upon ſymptoms, as well as experience.—Though I have ſeen His Majeſty very unquiet, it did not ariſe to that degree of inquietude which denoted a diſeaſe that would be of very long duration. I thought there was ſomething in the very habit of body, as well as in His Majeſty's complection, and in what had been his way of life, that was very favourable to a cure. Where there is not a very great exertion of body or mind, perſons who have lived in the way His Majeſty has done, are very rarely liable to this illneſs. From the account I had from my brethren, who had the honour to attend His Majeſty, I had very great expectations that it would end happily, from this circumſtance—that it had not for its forerunner that melancholy which uſually precedes a tedious illneſs of this ſort.—I never knew an inſtance of an illneſs that, under proper care, run to any great length, which had not been ſo preceded.—As for experience, I have viſited a conſiderable number of patients in that diſeaſe, in and round Reading:—Finding they could not be taken ſo much care of as they ought to be in their houſes, and that I might be as little interrupted as poſſible in the practice of other branches

of

of my profeſſion, I built a houſe, contiguous to my own, for the reception of ſuch patients.—I viſited them there conſtantly every day.—I had from eight to ten patients there uſually at a time.—During that time, two patients were admitted, who were reaſonably deemed to be incurable at the time of their coming, and for years before.—During the charge of my patients, for five years together, at that houſe, I never had more than two other patients that were not cured within the year, and continued well, as far as ever I knew —Some recovered in much ſhorter time; and I had ſeveral that were quite well within a quarter of a year.—If any of thoſe perſons had relapſed, I believe, from the partial opinion of their families, I ſhould have heard of it.—Where there is a relapſe, I ſhould not call it a perfect cure.

What ſtate of the patients did Dr. Addington conſider as a cure?—When the patient was able to do every thing that a man in health does.

What were the particular circumſtances of the two patients before mentioned by Dr. Addington, which occaſioned their being deemed incurable?—One of thoſe perſons had been for many years under the care of a very ſkilful phyſician, in an houſe for the reception of patients under this diſorder. It was a caſe that was different from all others with which I have been acquainted, both in the cauſe, and in the circumſtances which preceded and attended it.—The other was a patient who, I believe, had been very ill many years; ſhe had been for ſome time under the care of an eminent phyſician, who wiſhed her to be put into a houſe where ſhe might be taken care of for life; ſhe was atrabilious in the higheſt degree, and died, from the effects of that diſorder, in about a week.

Whether the majority of the patients under your care were men, or women?—I think nearly equal.

Whether Dr. Addington profeſſed to take, and did in fact take, all patients that were offered him?

I had not always room.—I excluded none on account of the nature of the diſorder.

What has been Dr. Addington's attendance on His Majeſty?

I ſaw his Majeſty for three days ſucceſſively, and for twice each day for a conſiderable time.

Whether

Whether, during the time of that attendance, he obſerved any ſigns of actual convaleſcence in His Majeſty?—No.

Whether, from your own obſervation, or from the particulars which have been communicated to you, you can aſſign any known cauſe to which, in your judgment, His Majeſty's diſorder is referrible?

I cannot pretend to ſay what the cauſe was either from what I ſaw, or what was communicated to me.—I do not chuſe to hazard conjecture. [Withdraws.

Sir LUCAS PEPYS called in, and examined.

Whether, in your opinion, the ſtate of His Majeſty's health is ſuch as to render His Majeſty incapable, either of coming to parliament, or of attending to public buſineſs?

The ſtate of His Majeſty's health is certainly ſuch as to render him incapable of coming to Parliament, or attending to public buſineſs.

What hopes has Sir Lucas Pepys of His Majeſty's recovery?—I have the ſame hopes of his Majeſty's recovery, as I ſhould have if he were labouring under any other diſeaſe, of which I knew that the majority labouring under it did recover. That the majority do recover, I am ſatisfied from my own experience, and from the aſſurance of a perſon who has moſt experience in caſes of this ſort.

Can Sir Lucas Pepys form any judgement, or probable conjecture, of the time which His Majeſty's illneſs is likely to laſt?

It is impoſſible to form any conjecture on that ſubject.

What degree of experience has Sir Lucas Pepys had of the particular ſpecies of diſorder with which His Majeſty is afflicted?

I have occaſionally ſeen ſeveral perſons under that diſorder, ſometimes alone, but more frequently with thoſe whoſe practice leads them more particularly to attend to it.

Whether in His Majeſty's diſorder, Sir Lucas Pepys ſees any preſent ſigns of convaleſcence?

His Majeſty is more quiet than he has been; but there are no preſent ſigns of immediate convaleſcence.

Are there any actual ſymptoms at preſent, which lead Sir Lucas Pepys to entertain more favourable hopes of His Majeſty's recovery, than he has hitherto had during his attendance?

I think

I think there are very material ſymptoms, as His Majeſty's general ſtate of health is certainly much better than it was.

Is the amendment that has taken place, only in His Majeſty's general ſtate of health, or is there any abatement of his particular diſorder?

From His Majeſty's general ſtate of health being better, his ſleep is more quiet, his appetite is better, and he is more in his uſual ſtate; all which circumſtances muſt previouſly occur before recovery: but theſe are only leading ſteps towards recovery—the diſorder ſtill remains; it is difficult to ſay whether it is actually abated.

What does Sir Lucas Pepys mean by His Majeſty being more in his uſual ſtate?

More quiet, and in a leſs perturbed ſtate?

Whether it is Sir Lucas Pepys's opinion, that there is, or is not, at preſent any abatement of His Majeſty's diſorder?

I have anſwered it, by ſaying that it is difficult to ſay whether there is any actual abatement, and I wiſh to explain my meaning in theſe words. The only way of explaining it is by analogy to ſome other complaint. In the caſe of a mortification, where the bark would moſt probably effect a cure, I could not ſay, during ſeveral hours after its being taken, whether there was, or was not any abatement of the mortification: ſo, in the caſe of His Majeſty, I cannot ſay whether the return of general health has, or has not, yet produced any actual abatement of the particular diſorder; but ſuch a return of general good health would lead me to be of opinion that an evident abatement might be expected. I can however ſay that no actual evident abatement has yet taken place.

When Sir Lucas Pepys, in his anſwer to the ſecond queſtion, ſtates that the majority of perſons labouring under the ſame diſorder with his Majeſty do recover, does he mean to include all the different ſpecies of the diſorder, or to confine himſelf to that particular ſpecies with which His Majeſty is affected?

I mean in that eſtimate to ſpeak of the diſorder generally, and not ſpecially.

Can you aſſign any known cauſe to which, in your judgement, His Majeſty's preſent diſorder is referrible?

I know no evident, or aſſignable cauſe.

Is His Majeſty's a frequent ſpecies of the diſorder?

It is a frequent ſpecies of the diſorder.

In

In this ſpecies, do the majority recover?
Certainly, in this ſpecies the majority do recover.

[Withdraws.

Doctor HENRY REVEL REYNOLDS called in, and examined.

Whether, in your opinion, the ſtate of His Majeſty's health is, or is not, ſuch as to render His Majeſty incapable, either of coming to Parliament, or of attending to public buſineſs?—His Majeſty is certainly incapable of it.

What hopes has Dr. Reynolds of His Majeſty's recovery?
I think there are well-founded hopes of His Majeſty's recovery.

Can Dr. Reynolds form any judgement, or probable conjecture, of the time which His Majeſty's illneſs is likely to laſt?—No.

What degree of experience has Dr. Reynolds had of the particular ſpecies of diſorder with which His Majeſty is afflicted?

I have been almoſt twenty years in buſineſs, and in the courſe of that time I have ſeen a great number under this diſorder, both ſingly, and together with others.

Whether you found your opinion, in your anſwer to the ſecond queſtion, upon the particular ſymptoms of His Majeſty's caſe, or upon your experience of the diſorder in general, or upon both?

Rather upon general experience; though I think there is nothing peculiar in His Majeſty's caſe which forbids the preſumption of recovery.

Whether, in His Majeſty's diſorder, you ſee any preſent ſigns of convaleſcence?

I do not ſee any preſent ſigns of convaleſcence; though I think His Majeſty's being quieter, and in a better ſtate of general health, would lead me to hope that it is a ſtep towards it.

Whether Dr. Reynolds learns from experience, that the greater number of perſons afflicted with this diſorder have recovered?

The greater number, I think, have recovered.

Whether Dr. Reynolds apprehends, that in calculations founded on general experience, every cure in the ſame perſon is included?

I ap-

I apprehend that it is—they consider every distant relapse as a new disease.

Whether Dr. Reynolds can assign any known cause to which, in his judgement, His Majesty's disorder is referrible?—No; I cannot.

[Withdraws.

THE END.

REPORT

FROM THE

COMMITTEE

APPOINTED TO

Examine the Phyſicians who have attended

HIS MAJESTY,

DURING HIS ILLNESS,

Touching the preſent STATE of His Majeſty's Health.

Ordered to be printed 13th January 1789.

A NEW EDITION.

LONDON:

PRINTED FOR JOHN STOCKDALE, OPPOSITE BURLINGTON-HOUSE, PICCADILLY.

1789.

REPORT.

The Committee appointed to examine the Phyſicians who have attended his Majeſty, during his Illneſs, touching the preſent State of his Majeſty's Health; and to report ſuch Examination forthwith to the Houſe;

HAVE, purſuant to the Order of the Houſe, proceeded to examine the ſaid Phyſicians.

They alſo proceeded to ſome length in examining, with reſpect to the ſituation in which Dr. John Willis has attended his Majeſty; and from ſuch examination are of opinion, that he comes within the order of reference to this Committee: But as his examination might have greatly protracted their proceedings, and as they have reaſon to ſuppoſe Dr. Willis, ſenior, fully informed of every particular neceſſary to the object of their enquiry, which could be ſtated by Dr. John Willis, they have forborn to examine the latter, conceiving, that it is of the utmoſt importance, that their Report ſhould not be any longer deferred.

The examination of the Phyſicians is as follows; and that part of it which relates to Dr. John Willis, is added at the end of this Report.

Mercurii, 7° die Januarii 1789.

Sir LUCAS PEPYS called in, and examined.

Whether, in his opinion, the ſtate of his Majeſty's health does, or does not, continue to be ſuch as to render his Majeſty incapable either of coming to Parliament, or of attending to public buſineſs?

It certainly continues ſuch as to render him incapable either of coming to Parliament, or of attending to public buſineſs.

What hopes does Sir Lucas Pepys now entertain of his Majeſty's recovery?

The hopes I now entertain are founded exactly upon the ſame ground upon which they were when I formerly gave my opinion.

Can Sir Lucas Pepys now form any judgment, or probable conjecture, of the time that his Majeſty's illneſs is likely to laſt?

I can neither form judgment or probable conjecture of the time that his Majeſty's diſeaſe is likely to laſt.

Whether, in his Majeſty's diſorder, Sir Lucas Pepys ſees any preſent ſigns of convaleſcence?

On the 27th of December, in the evening, I ſaw his Majeſty in ſuch a calm, and approaching towards a rational ſtate, I was in hopes, had it continued, ſigns of convaleſcence would ſoon have appeared; thoſe good ſymptoms appeared only for an hour; ſince which I have ſeen no ſigns of approaching convaleſcence.

Are there any actual ſymptoms at preſent, which leads Sir Lucas Pepys to entertain more or leſs favourable hopes of his Majeſty's recovery, than he has hitherto had during his attendance?

I think

I think his Majeſty is more eaſily controuled, and therefore I ſhould hope that he was advancing towards recovery, though no actual ſymptoms appear.

Whether it is not uſual for perſons in the ſituation of his Majeſty to become more eaſily controuled, when they are put under the care of perſons uſed to attend patients in that diſorder?

Certainly;—but he is more eaſily controuled now than he was a fortnight ago, when under the ſame care.

Whether this does not happen often, independant of any advancement towards recovery?

As controul is the principal means uſed for recovery, I conſider patients ſubmitting to it more readily as a mark of ſome ſort of ground being got.

Does Sir Lucas Pepys conſider the circumſtance of his Majeſty being more eaſily controuled, as being in itſelf ſuch a clear ſymptom of the abatement of the diſorder, as induces Sir Lucas Pepys from that cauſe to entertain ſtronger hopes of his Majeſty's ſpeedy recovery, than when Sir Lucas Pepys was laſt examined?

Not ſtronger hopes of his Majeſty's ſpeedy recovery, but hopes of his more ſpeedy recovery.

Whether, in Sir Lucas Pepys's judgment, management, or medicine, is the more operative cauſe of recovery in caſes of this ſort?

I think without both, patients are not ſo likely to recover, as under either; neither would have effect ſingly.

Does Sir Lucas Pepys think, that the perſons who uſually have the controul and management of perſons in his Majeſty's ſituation, are better, or worſe, judges of the true inference ariſing from the fact of quiet ſubmiſſion to ſuch controul, than Phyſicians who have not made this diſorder their particular ſtudy?

I think they are better judges.

What is the degree of attendance of the Phyſicians who are not conſtantly with his Majeſty?

Either myſelf, Dr. Giſborne, or Dr. Reynolds, are at Kew, in rotation, from four o'clock every day, till eleven the next morning, at ten o'clock every morning, either Sir George Baker or Dr. Warren comes to Kew, viſits his Majeſty, and conſult with the Phyſician who has remained there all night, and Dr. Willis, and uſually remains there about an hour.

Whether there are any other medical perſons that attend his Majeſty?

Two Surgeons and two Apothecaries.

Whether accounts are not received from them reſpecting his Majeſty's ſituation?

No regular account is given by them, but they are frequently aſked.

Whether thoſe Surgeons and Apothecaries, or any of them, are perſons who have made this diſorder their particular ſtudy, or who have uſually had the controul and management of perſons in his Majeſty's ſituation?

I cannot ſay whether they have made this particular diſorder their particular ſtudy.—I conclude they occaſionally ſee patients in this diſorder, though they may not have the controul and management of them.

Whether

Whether you think them capable of relating facts with accuracy and integrity?

I would truſt the judgment and integrity of any of them.

Whether thoſe Surgeons and Apothecaries have the ſame opportunities of obſerving the particular ſituation of his Majeſty as Dr. Willis has?

Not the ſame opportunity as Dr. Willis has, but the ſame opportunity as any other of the three Phyſicians have who attend in rotation.

Whether Dr. Willis is preſent with the King often, or for any conſiderable length of time, when ſome one of thoſe Surgeons and Apothecaries is not preſent?

Very frequently, and for a conſiderable length of time, when none of them are preſent.

Are not ſome of them preſent at times in which Dr. Willis is not preſent?——Sometimes, but not often.

When Dr. Willis takes reſt, who is it that attends the King?

A page, and one of Dr. Willis's men.

Do no Phyſician or Apothecary ever come in at ſuch times?

There is a poſitive order that nobody ſhall go into his Majeſty's room without Dr. Willis's leave.

Who gave that order?

I don't know—it is written up in the outer room.

Did you never aſk who gave that order?——I never aſked.

What do you mean by the eaſier ſubjection to controul?

I mean a ſlighter degree of intimidation.

Is the eaſier ſubmiſſion to controul, in your opinion, produced by actual abatements of the diſorder, or do you only conſider it as facilitating the management which may produce a cure?

I conceive it as an actual abatement of the diſorder as far as that goes.

Whether perſons who have been for any length of time under a degree of actual controul, do not, from that circumſtance, more eaſily ſubmit to controul, independant of any abatement of the diſorder?

I think not, as I have ſeen patients under the ſtrongeſt degree of coercion for months together, who have not been, at the end of that period, more under controul than they were at firſt.

Whether you have not known patients who, after having been under coercion for ſome time, have become more manageable without any ſymptoms of recovery appearing?

Certainly without any ſymptoms of recovery, but not without ſymptoms of an abatement of the diſorder.

Whether or no you have not known ſuch ſymptoms of abatement in conſequence of controul to have exiſted, without any recovery having followed?——Certainly.

Whether, after his Majeſty has been ſubmiſſive to controul, as by you ſtated, he has not afterwards grown leſs manageable?

Certainly—but not leſs manageable than he was before coercion was uſed.

When was it laſt found neceſſary to uſe coercion?

The

The middle of laſt week, as far as I can ſpeak from my own obſervation——I underſtand it has been uſed ſince.

Whether, before Dr. Willis came about the King, the ſame modes of coercion were uſed?——No.

Whether there is not a greater probability of recovery where ſymptoms of abatement of the diſorder have appeared, than where the diſorder has remained for the ſame time without ſuch ſymptoms of abatement?
The probability of recovery is always in proportion to the frequency and degree of abatement of the diſorder, except in caſes of ſudden recovery.

Does the majority of perſons in his Majeſty's ſituation, with its preſent ſymptoms and appearances, recover?
It is my opinion that they certainly do.

Whether you conſider the chance of recovery in a perſon who has paſſed ten weeks without ſymptoms of convaleſcence, to be equal to that of a perſon who has paſſed only ſix weeks without any ſuch ſymptoms?
I think the difference between ſix weeks and ten weeks perfectly immaterial in caſes of this ſort, the period is ſo ſhort.

Do you mean the majority of perſons in general have recovered, or do you mean the majority of thoſe who are about the ſame age as his Majeſty?
I cannot ſpeak from any obſervation of my own, nor do I know that any ſuch obſervations have been made by others, whether the majority of perſons afflicted with that diſorder at that time of life, do or do not recover.

Do you conſider his Majeſty's preſent chance of recovery (all the circumſtances of his Majeſty's caſe that have fallen within your obſervation being attended to) as being greater, or leſs, than it was when you was laſt examined here, or as being equally good?
From the circumſtances which I ſaw on the 27th of December, I think I can ſpeak with more certainty, when I ſay that I conclude his Majeſty will recover, than I did when I was laſt examined.

Was Dr. Willis preſent on the 27th of December, at the time you obſerved the circumſtances you alluded to?
Only for a very few minutes, and thoſe at the end of the time; but his ſon was there the whole time.

Since Dr. Willis has attended his Majeſty, whether either Dr. Willis or his ſon has always been preſent, when you attended, during the whole time?
I have ſometimes been with his Majeſty alone, more commonly in the preſence of Dr. Willis or his ſon.

Have you obſerved any difference in his Majeſty when you have ſeen him alone, and when in the preſence of Dr. Willis or his ſon?
Sometimes his Majeſty is more irritable when either Dr. Willis or his ſon is preſent, and at other times the contrary.

Whether on the 27th of December his Majeſty ſhewed any conſciouſneſs of the ſituation he then was, or had been in?
There was no conſciouſneſs ſhewn at that time of his then preſent ſituation; but he ſpoke of his having been delirious at Windſor, and was ſurprized on my telling him, that his delirium had continued above three weeks.

Whether

Whether there has been any direct or indirect attempt made by any of the Phyſicians, at any time, to controul or influence you with reſpect to the account to be given of his Majeſty's ſituation?

Certainly not.

Have not ſymptoms of irritation in his Majeſty's caſe been frequent ſince you was laſt examined here?—Very frequent.

Whether the means of coercion have not been more frequently reſorted to ſince that period than before?—More frequently.

Whether you have conſulted any eminent perſon converſant in thoſe caſes, and not attending on his Majeſty, reſpecting his Majeſty's diſorder?

I have ſpoken with Dr. Munro, who has ſeen more patients than any practitioner ever did ſee, upon the point only of the probability of his Majeſty's recovery, but not with regard to medicine or treatment.

Whether Sir Lucas Pepys has not founded his opinion as well upon the reports of the two Surgeons, and two Apothecaries, and other perſons in attendance upon his Majeſty, as upon his own obſervations?

I ground my opinion upon my own obſervation only.

How long before your laſt examination were the means of coercion at all reſorted to?

I believe only once, if at all; I am not ſure.

Do you then conceive the irritation to have been greater ſince that examination than it was before?

I do not conſider that the irritation was greater; but the means of coercion were not in our hands till about the time of examination.

Had the irritation, previous to the time of the examination, in any manner ſubſided?

Not ſo much as it has ſince.

Whether, notwithſtanding the ſymptoms of irritation in his Majeſty's caſe has been frequent ſince Sir Lucas Pepys was examined here, and notwithſtanding the means of coercion have been more frequently reſorted to ſince that time than before, Sir Lucas Pepys can ſpeak with more certainty when he ſays that he concludes his Majeſty will recover, than he did when he was laſt examined here?

Yes, I think I can.

Can you ſpeak with greater certainty with reſpect to the time of his Majeſty's recovery?

I can ſay nothing about time.

Withdrew.

The Reverend Dr. FRANCIS WILLIS called in, and examined.

Whether, in your opinion, the ſtate of his Majeſty's health does, or does not, continue to be ſuch as to render his Majeſty incapable either of coming to Parliament, or of attending to public buſineſs?

Certainly not capable.

What hopes does Dr. Willis now entertain of his Majeſty's recovery?

Such

Such hopes, that if a patient under the ſame indiſpoſition was in my houſe, I ſhould not have the leaſt doubt of his recovery.

Can Dr. Willis now form any judgment, or probable conjecture of the time that his Majeſty's illneſs is likely to laſt?

Not any;—I could not fix upon any;—I would not hazard an opinion of that kind.

Whether, in his Majeſty's diſorder, Dr. Willis ſees any preſent ſigns of convaleſcence?

About a fortnight ago, his Majeſty would take up books and could not read a line of them; he now will read ſeveral pages together, and make, in my opinion, very good remarks upon the ſubject: I think, in the main, his Majeſty does every thing in a more rational way than he did, and ſome things extremely rational.

How often has Dr. Willis found it neceſſary to uſe coercion to his Majeſty, ſince he was laſt examined here?

I cannot ſay, but very often: Before that time, the occaſions were continual, but in a different mode.

What period of time do you mean, when you ſay before that time?

I believe I was five days before I uſed any particular coercive mode, but endeavoured to perſuade and explain what method muſt be made uſe of, if there was not a ready compliance.

When did you firſt begin the mode of coercion?

I really don't know the particular day.

Whether Dr. Willis keeps any diary of his proceedings?

Not before the 7th or 8th day I was there, as I believe.

To what period did you refer when you ſaid, before your laſt examination there had been continual occaſions for coercion, though in a different mode?

I believe it was ſo when I came, and for ſome time after; and I underſtood from the Pages, it had been ſo a conſiderable time before.

Whether the King was in this ſtate of irritation, requiring coercion, at or about the time you was examined here before?

He was at times, not always.

Do you underſtand from information that, previous to that time, the occaſions for coercion were without any intermiſſion?

In all probability there muſt have been intermiſſions.

Whether the inſtances of coercion, in whatever mode, were more frequent from the time of his arrival to the time of his laſt examination, than they have been ſince?—Certainly more frequent.

Whether during the period in which you endeavoured to perſuade and explain what particular mode of coercion muſt be made uſe of, and to the day of your examination, other modes of coercion were made uſe of, and more frequently, than after you had adopted the particular mode?

Certainly.

Whether, at the time of your examination before the former Committee of the Houſe of Commons, the particular mode of coercion now alluded to by you had been reſorted to?—I really don't know.

Whether, if the irritation had in a great measure subsided in consequence of the ordinary modes of constraint used upon his Majesty, you would have thought it necessary to have resorted to the particular mode?

If I had been confident of succeeding as well without, certainly I should not have recurred to that mode, for many reasons.

Question repeated.

No, certainly not.

Whether means of stronger coercion have not been used since your last examination than before?

Certainly, a more firm coercion, but not so teizing to the patient, and therefore used.

Whether you can now inform the Committee, or can by to-morrow enable yourself to inform them, when, and how often, coercion has been used since your last examination?

I believe I could not; I will endeavour to do it, but I have no idea that I can.

When did you last use means of coercion to your patient?

Either Saturday or Sunday, I do not recollect which.

Whether there has been any direct, or indirect, attempt made by any of the Physicians, at any time, to controul or influence you with respect to the account to be given of his Majesty's situation?

I have once or twice refused to sign the certificate, thinking his Majesty was better than the certificate implied.

Do you mean that you did not sign?

I persisted in the refusal till it was altered, and then I did sign it; but latterly I have scarcely read it over, and did not mind whether it was exactly agreeable to my opinion or not, rather than have any words.

Did you in the instances to which you refer, differ in opinion from all the other Physicians attending?

The two Physicians present I differed from; there are but two attending in the morning to sign it, except my son.

Do you mean that this was such a difference of opinion that frequently happens among medical men upon the state of the patient?

Very frequently; but more likely in this case, where the other two Physicians have scarce seen a patient in this way for an hour together; and I have attended various patients in the same house, and known the effect of method and medicine every hour.

What means did you use to persuade the Physicians to alter the account, and adopt your opinion?

That if I had a patient at home that had passed so many hours in such a state, I should conclude that patient was better.

Did Dr. Willis use any other means than arguments of that kind; did hold out any idea of pleasing, or displeasing, considerable persons?

No, none at all.

Are you sure, that on Friday last, the 2d of January, you did not use such arguments?

I will not be sure that I might not say the alteration that was sent down by a certain Personage was not worth while disputing, and at the same time that I thought it nearer the truth; for Dr. Warren did hold out, that he should think no person better, till they were perfectly well, under

ſuch an indiſpoſition. I aſked the Doctor, if a perſon, ſo indiſpoſed, ſhould not ſay one ſenſible word in 24 hours, and the next 24 hours ſay but one word, that he would not ſay, if he was not indiſpoſed, whether he would not think him better; and he told me—No.

When you anſwered the laſt queſtion but one, had you in your memory the circumſtance you have mentioned?

I had not; I do not know that I certainly did ſay it; but I thought it, and very likely might ſay it.

Whether thoſe alterations ſent down by a certain Perſonage, were, or were not, ſuggeſted by you?

They certainly were not; they were brought down by two Ladies.—The paper, as ſent up, was concerted among the Phyſicians then preſent; was carried up, I believe, by General Gordon, and was returned by the two Ladies, I believe.

Do you recollect whether the alterations were made on the ſame paper on which the account was drawn up by the Doctors, or on different paper ſent down?

As well as I remember, it was not altered at all; but propoſed by the Ladies to be altered. I believe the alterations were not adopted; I am not ſure, but I think not. I believe the account went to St. James's in the ſame form. I really do not charge my memory with it; it was not worth while for me to remember.

Whether the converſation you ſtate to have paſſed between you and Dr. Warren, paſſed when you were alone or before witneſſes?

Before thoſe Ladies and the Phyſician, and one of the Surgeons, I do not remember which, and my own ſon.

Whether Dr. Willis does not conceive the account ſent to St. James's to purport to contain the true and exact opinion of the Phyſicians who ſign it, upon the ſtate of his Majeſty's health?

Yes; as well as three can agree in opinion.

Do you mean to ſay, that you ſigned your name to any ſtatement of the King's ſituation to which you do not agree?

If it was not ſo favourable as I thought, I ſigned it, rather than have any diſpute.

Then, in point of fact, have you ſigned accounts of the King's health, which in your own mind and conſcience you did not believe to be correct?

I believe no three Phyſicians ever writ a preſcription for a patient that was exactly conformable to each of their wiſhes.

Whether you conſider the account ſent to St. James's as a preſcription, or as a ſtatement of facts?

As a ſtatement of facts, as near as we could agree.

Do you mean to ſay, that it is uſual for Phyſicians to ſign their names to ſtatements of facts, which they were not ſure are true and correct, for the ſake of agreement?

I have been told, by the Phyſicians here, that the opinion of one ſhould give way to the other two; and that they were ſurpriſed I ſhould heſitate about it.

Do you mean by the Phyſicians now attending his Majeſty?—Yes.

Name the Phyſicians from whom you received that information?

Sir Lucas Pepys and Dr. Warren.

Are

Are the Committee to underſtand that the public have been, in any meaſure, deceived by thoſe accounts ſent to St. James's, as far as the authority of Dr. Willis's name was concerned?
I have done my utmoſt to prevent their being deceived.

What do you mean by having done your utmoſt?
I argued with the Phyſicians as much as I could for other words to be put in, but in vain.

Do you recollect whether the alteration, which you ſtated to Dr. Warren not to be worth diſputing, was a material one?
If I had thought it worth diſputing, I ſhould have thought it a material one.

Do you remember what the alteration was?
I cannot anſwer that, but it may be known.

Whether you have, at any time, made any complaint or proteſt to any perſon in authority about the King, or to any of his Majeſty's miniſters, upon the ſubject of the accounts ſent to St. James's, or given them information that ſuch accounts were not to be depended upon as correct, as far as your name was concerned?
I do not remember any thing at all about it.

How many hours in a day is it uſual for you to be in perſonal attendance on his Majeſty?
I cannot tell—four or ſix hours perhaps, according as his Majeſty is employed.

Who are the other medical perſons that are uſually in conſtant attendance on his Majeſty?
No medical perſon ſits up with his Majeſty—one of the pages, and one of my ſervants, are in the room with him; and in the anti-room, one of each, who change every two hours, if they find it convenient.

What is his Majeſty's ſtate this day?
I have not ſeen him ſince the morning; he had a very good night, and was yeſterday better than ever I ſaw him, and was calm this morning.

Do you mean that there was a greater appearance of rational interval yeſterday, than at any other time?——Yes.

Was there leſs irritation yeſterday than before?
A great deal leſs—he read and attended to reading for an hour together.

Do you now conſider the irritation to have in a great meaſure ſubſided?
He is ſtill exceedingly irritable.

Whether you wrote to the Prince of Wales, yeſterday, any account of the King's ſtate?
I believe I did on Monday.

Whether you do not conſider the ſubſiding of the irritation, as a neceſſary prelude to ſymptoms of convaleſcence?
I do.—His Majeſty is not now ſo irritable as he was, nor does the conſequence of the irritability continue a tenth part ſo long—not nearly ſo irritable as at the time of my laſt examination.

Withdrew.

Doctor RICHARD WARREN called in, and examined.

Whether, in his opinion, the ſtate of his Majeſty's health does, or does not, continue to be ſuch as to render his Majeſty incapable either of coming to Parliament, or of attending to public buſineſs?

Incapable.

What hopes does Dr. Warren now entertain of his Majeſty's recovery?

My hopes of his Majeſty's recovery ſtand upon the ſame foundation as they did when I was examined before, excepting that a little more time has paſſed, which does not add to my hopes, but is ſo little that it hardly ought to ſubtract from them.

Can Dr. Warren now form any judgment, or probable conjecture, of the time that his Majeſty's illneſs is likely to laſt?——No.

Whether, in his Majeſty's diſorder, Dr. Warren ſees any preſent ſigns of convaleſcence?——No.

Whether there has been any ceſſation of the King's diſorder at any time ſince its commencement?

No, as far as I can judge. I viſit his Majeſty every other morning, converſe with him as long as I think it neceſſary, and form a judgment of the then ſtate of his Majeſty from the knowledge which I obtain from converſing with him:—The reſt of my knowledge of his Majeſty's ſtate is obtained from the information given by the Phyſician who has attended from four o'clock in the afternoon till the time I get to Kew, and from Dr. Willis and his ſon, and from the information of Mr. Charles Hawkins, Mr. Keate, Mr. Dundas, and Mr. Battiſcombe, one or other of whom are conſtantly in the houſe in attendance. From the knowledge thus acquired, and information thus obtained, I conclude that there has been no ceſſation of his Majeſty's complaint.

Whether Dr. Warren thinks that the information he gathers from thoſe gentlemen is material to the forming of his judgment?

Theſe gentlemen have attended his Majeſty from the beginning of his illneſs till this minute, were about him before he was ill, and are perfectly well acquainted with his Majeſty, and are very intelligent perſons:—From theſe circumſtances I conclude that they are very competent judges how far his Majeſty's preſent ſtate deviates from his former.

Do you conſider them as competent judges of the progreſs of his recovery?——Yes,

Whether or not Dr. Warren has underſtood from Dr. Willis, or others, that his Majeſty has been in a rational ſtate?——No.

Does Dr. Warren know, whether the majority of thoſe who, at his Majeſty's time of life, have been afflicted with the diſorder his Majeſty labours under, have recovered?

I have been making an enquiry lately, in order to ſatisfy my own curioſity reſpecting this queſtion; and I believe it will be ſtill two days before I can give a ſatisfactory anſwer.

Where are you making that enquiry?

By examining the books of Bethlehem-hoſpital.

What

What circumſtances, in your judgment, would conſtitute a ceſſation of his Majeſty's complaint, as contra-diſtinguiſhed from a cure?

My rule of judging whether a perſon in this ſituation is recovering, is as follows:—If the patient recovers his reaſon, or becomes himſelf again, only for an hour, I pronounce that the complaint has ceaſed, and that he is mending; if the next day, or any ſhort time afterwards, the interval becomes two hours, I pronounce him better; if the interval becomes longer and longer, I pronounce him advancing in his cure.

What circumſtances, in Dr. Warren's judgment, form a cure?

The patient remaining perfectly himſelf, without any return of his former complaint.

If the patient appeared to be perfectly himſelf, for a ſmaller term than an hour, would Dr. Warren conſider him in a ſtate of amendment?

Certainly I ſhould, if the ſtate of the patient during that time could be accurately aſcertained.

Whether thoſe circumſtances, which in your judgment would form a ceſſation of his Majeſty's complaint, ought to be conſidered, in your judgment, as ſigns of convaleſcence?

Certainly.

Whether the Gentlemen you have named, namely, the Phyſicians, Apothecaries, and Surgeons, are perſons who, in your judgment, have made this branch of phyſick their particular ſtudy?

I do not know that they have. Withdrew.

Doctor WARREN called in again, and deſires to add to his Anſwer to the laſt Queſtion but two, theſe words—"But if the interval does not "increaſe, no ſtreſs muſt be laid upon it at all."

If a patient in his Majeſty's diſorder did not ſoon recover under Doctor Warren's care (Doctor Warren receiving his information as to the facts of his patient's caſe, from Gentlemen whom he did not know to have made this branch of medicine their particular ſtudy) would not Doctor Warren think it his duty to call in perſons whom he did know to have made this branch of medicine their particular ſtudy?

No, not on that account. Doctor Warren, and all other Phyſicians, are obliged to receive their accounts of facts from nurſes, and other unſcientific perſons; and if they are people of common ſenſe, they are able to give a very good account of facts; from the facts as related by them, the Phyſician muſt form his judgment, aſſiſted by the knowledge which he acquires by viſiting and examining the patient himſelf.

Whether, in point of fact, where perſons in the diſorder under which his Majeſty labours, have not ſoon recovered under Doctor Warren's ſole care, he has not always, or generally, called in perſons who made this branch of medicine their particular ſtudy?

Yes, if the patients could afford it.

Whether, in caſes where the patients could afford it, Doctor Warren has not oftener left the patients to the care of perſons who have made this branch of medicine their particular ſtudy, than he has attended in conjunction or conſultation with ſuch perſons, if they have not ſoon recovered under his ſole care?

Yes, oftener.

Whether

Whether, as Doctor Warren has anſwered the laſt queſtion affirmatively, he has not been determined ſo to act, by a conviction that, where the circumſtances of a patient would admit of that mode of treatment, that ſuch mode of treatment was the beſt which his conſcientious judgment could dictate?

This mode of treatment has often ariſen from neceſſity, as it was requiſite, for the good of the patient, that he ſhould be removed to a diſtance from town, where it was impoſſible for Doctor Warren to attend with regularity, conſiſtent with his uſual buſineſs: this removal was neceſſary for the ſake of quiet and other conveniencies, which the patient could not have in town; ſometimes from the neceſſity of coercion, which Doctor Warren has no means of applying; ſometimes for the ſake of particular nurſes and keepers, which Doctor Warren does not furniſh; and from that diffidence which Doctor Warren ought always to have in himſelf when his patients do not recover as ſoon as can reaſonably be expected.

Has that diffidence led Dr. Warren to place patients, who have not ſoon recovered, under the care of perſons who have made this branch of medicine their particular ſtudy?

Sometimes.

Does Dr. Warren mean to ſay, that perſons who have made this branch of medicine their particular ſtudy, and who follow that branch of medicine principally, are not better judges of the diſorder, but have only better conveniences for the management of perſons labouring under it, than Phyſicians who practiſe medicine generally, without particular application to this branch of it?

Provided their parts and intellectual powers are equal to their buſineſs, they will become more expert in the curing of this complaint than other Phyſicians; otherwiſe they will deſerve no preference but for the conveniences they provide for their patients.

Whether the ſame would not be the caſe with Phyſicians who have not made that branch of medicine their particular ſtudy, if their parts and intellectual powers are not equal to their buſineſs?

Certainly.

Whether, if nine perſons out of ten, placed under the care of a perſon who had made this branch of medicine his particular ſtudy, had recovered, if they were placed under his care within three months after they had begun to be afflicted with the diſorder, Doctor Warren would not deem ſuch perſon, either very ſkilful or very ſucceſsful?

If he was a ſenſible man I ſhould deem him ſkilful, if he was not, I ſhould deem him ſucceſsful.

Whether Dr. Warren has not underſtood from Sir Lucas Pepys, that ſince his former examination, he thinks his Majeſty more likely to recover, than he did at the time of that examination?

There was one evening, leſs than a fortnight ſince, that Sir Lucas Pepys ſaid, he obſerved his Majeſty talked more like a reaſonable man; but this appearance was ſo totally gone a few hours afterwards, that I had no doubt of its being a miſapprehenſion in Sir Lucas, ariſing from his zeal.

Has

Has Dr. Warren any reaſon to believe, that Sir Lucas Pepys is ſtill under what Dr. Warren calls a miſapprehenſion in this reſpect?

I do not know what Sir Lucas now thinks of his opinion of that night; but his opinion yeſterday, when we were together at Kew, was, that his Majeſty was no better.

Has Dr. Warren communicated to Sir Lucas Pepys, his reaſons for thinking the opinion of Sir Lucas Pepys a miſapprehenſion?

I do not know whether I gave him any formal reaſons on the ſubject, but I know that I expreſſed my doubts about it.

Whether Dr. Warren has not underſtood from Dr. Willis, that he was more confirmed lately, in his hopes of his Majeſty's recovery, than he was at the time of his former examination before the Committee?

Dr. Willis ſpoke very ſanguinely of a ſpeedy cure, ſoon after the time of his former examination; he has held the ſame language ever ſince, but ſpoke in ſtronger terms of amendment being actually obtained laſt week, than at any other time.

Has Dr. Warren ever heard from Mr. Hawkins, Mr. Keate, Mr. Dundas, and Mr. Battiſcombe, that his Majeſty is in a ſtate of actual amendment as to intellect; and that the probability of his recovery is greater now than at the time Dr. Warren was laſt examined?

No.

Has Dr. Warren underſtood, on the contrary, from any or all of theſe Gentlemen, that his Majeſty is not in an actual ſtate of amendment as to intellect; and that the probability of his recovery is not greater now than at the time Dr. Warren was laſt examined?

From ſome of them I have heard that his Majeſty is not in a ſtate of amendment; but I have not talked to them upon the probability of cure, my diſcourſe with them being chiefly confined to facts.

Has Dr. Warren ever heard from any of theſe Gentlemen, that there has at any time been any return of reaſon in his Majeſty ſince the commencement of his diſorder?

No.

Has Dr. Warren known any inſtance of any Phyſician, or other perſon attending on his Majeſty, ſending any written account of his Majeſty's ſituation, ſtating his Majeſty to have been in a calm and mended ſtate, at a time when he (Dr. Warren) had reaſon to know that his Majeſty's ſituation and ſtate were the reverſe?

Dr. Willis has written letters to the Prince of Wales, expreſſing his Majeſty to be much better than I apprehended his Majeſty to be at that time, declaring progreſs in cure that I could not diſcover.

Has Dr. Warren had any diſcourſe, or difference of opinion, with Dr. Willis, reſpecting any other letter, of the ſame deſcription, to any other perſon?

I was informed that Dr. Willis wrote ſuch a letter, at twelve o'clock at night, the day of the debate in the Houſe of Commons; I ſpoke to Dr. Willis on the ſubject of this letter the next morning, and told him that he did wrong to write ſuch an account, when it was not true: I afterwards enquired, and could not find that the Doctor had written ſuch a letter, and told him that I had done him an injury in charging him with it, as I could not prove it.

Does Dr. Warren recollect to whom that letter was ſuppoſed to be written?

The report was, that it was written to Mr. Pitt.

Does Dr. Warren recollect from whom he received that information?

There was a report current throughout the town that Mr. Pitt had read ſuch a letter at White's, at five o'clock in the morning.

Does Dr. Warren recollect only the current report, but not any particular perſon from whom he heard it?

Indeed I cannot recollect any particular perſon.

Does Dr. Warren recollect what was ſtated to be the ſubſtance of that ſuppoſed letter?

In general terms, that his Majeſty was greatly better, and was likely to be ſpeedily well.

Does Dr. Warren recollect in what terms he ſtated to Dr. Willis his diſapprobation of his writing ſuch a letter, or the ſubſtance of them?

That, as his Majeſty was remarkably bad, and under coercion that night, he could conſider it only as a political letter, which he thought wrong from a phyſician.

When did Dr. Warren tell Dr. Willis, that he had done him an injury in charging him with having written ſuch a letter?

To the beſt of my recollection, it was the next time of my going to Kew after I had charged him with writing it, which, if ſo, muſt have been the ſecond day after the charge.

Had Dr. Warren then had an opportunity of ſeeing the original letters written to Mr. Pitt on the day of the debate to which he alluded, and on the following day?

I had ſeen a letter, written, as I thought, by Dr. Willis's ſon, dated at half an hour after five in the afternoon of the day of the debate—I do not know whether I ſaw a letter written the day after or not.—I believe I might have done ſo if I pleaſed.

Whether the letter which Dr. Warren did ſee, did contain a juſt deſcription of his Majeſty's ſituation, according to Dr. Warren's opinion?

When I came to Kew the morning following, I was informed by Dr. Willis that his Majeſty had had a violent paroxyſm that night, which came on at ſeven o'clock the evening preceding; but how his Majeſty exactly was at half an hour after five, I do not know.

Whether the letter, dated at half an hour after five, gave a favourable account of his Majeſty?

To the beſt of my recollection it contained a favourable account.

Whether Dr. Warren had any information given him of the time when this letter was received?

I do not remember that I had.

Did Dr. Warren underſtand, from any of the other attendants on his Majeſty, that his Majeſty had been, in any part of that day, in a particular amended ſtate?

No.

Did Dr. Willis make any reply, when Dr. Warren told him he had done wrong to write ſuch a letter, when it was not true?

Dr.

Dr. Willis, by his behaviour, appeared to me at that time to own it.

Why Dr. Warren thought it neceſſary to acknowledge afterwards to Dr. Willis that he had done him an injury?

Becauſe Dr. Willis complained that I had charged him with a fact that was not true.—I made all the enquiry I could to find out the truth, and diſcovered that a letter had been written at half an hour after five, but could not diſcover that a letter had been written at twelve at night, and conſequently concluded that there had been an error with reſpect to the time; and therefore that I had done him wrong in charging him with writing it at twelve, and took the firſt opportunity of retracting what I had ſaid.

What enquiry did Dr. Warren make, in order to find out the truth?

The Lord Chancellor informed me of Dr. Willis's complaint, and ſaid he would write to Mr. Pitt for all the letters he had received from Dr. Willis on that day; Mr. Pitt ſent them, and the Chancellor ſhewed them to me.

Did Dr. Warren ſee Mr. Pitt's anſwer to the Chancellor?

Yes.

Does Dr. Warren underſtand, upon recollection, that the circumſtances which ſatisfied him that the letter had not been written as ſuppoſed, were produced in conſequence of his enquiry, or of an enquiry made in his name, or in conſequence of Dr. Willis's repreſentation on his uneaſineſs upon what had paſſed with Dr. Warren?

I ſuppoſe the letters were produced in conſequence of my wiſh to aſcertain the truth.

When complaint was made to Dr. Warren, on the part of Dr. Willis, did Dr. Warren make any enquiry into the truth of the fact of thoſe perſons from whom he received the information that ſuch fact exiſted?

The Chancellor ſaid, the only way to find the truth, was to ſend to Mr. Pitt for the letters.—I do not know of whom I received the information.

Whether Dr. Warren ever ſaw any paper, purporting to be a copy of this letter ſuppoſed to be written at twelve o'clock at night, and if he did, by whom the ſame was ſhewn to him?

I do not recollect that I ever ſaw a paper, purporting to be a copy of it.

Can Dr. Warren take upon himſelf to ſay, that he never did ſee any paper, purporting to be a copy of the letter ſuppoſed to be written at twelve o'clock at night?

No, I do not recollect that I did.

Did Dr. Warren ever hear any perſon, whoſe name he could mention, ſay that he had a copy of a letter ſuppoſed to be written by Dr. Willis to Mr. Pitt, at twelve o'clock that night?

No.

Dr. Warren having ſaid, that a letter of Dr. Willis's to the Prince of Wales contained a more favourable account than he thought His Majeſty's ſituation juſtified, does Dr. Warren mean to ſay, that ſuch letter contained a more favourable account than Dr. Willis believed to be true?

It is impoſſible for me to ſay what Dr. Willis believes.

Dr. Warren having ſaid, that in a caſe where nine out of ten patients placed under the care of a Phyſician, who has applied himſelf to a particular branch of medicine, within three months from the commencement of their diſorder, have been cured, he ſhould deem ſuch Phyſician ſkilful, if he was a ſenſible man, and if not, ſhould think him only ſucceſsful; whether, if ſuch ſucceſs had attended that Phyſician's practice for twenty-eight years, he ſhould aſcribe it to good fortune only?

There is no other way of judging but by ſucceſs; yet it does not follow, that that judgment is right; it can never be ſuppoſed, that an ignorant man has knowledge, or that a man who has no rule to go by can act ſyſtematically, be his ſucceſs what it will.

Whether, in order to induce Dr. Warren to believe, that, for twenty-ſeven years, nine perſons out of ten had been cured, he would not require ſome other evidence than the aſſertions of the man pretending to have performed ſuch cures?

I certainly ſhould.

Whether there has been any direct or indirect attempt made by any of the Phyſicians, at any time, to controul or influence you with reſpect to the account to be given of his Majeſty's ſituation?

Dr. Willis, on Friday laſt, made a very unwarrantable uſe of the name of a Great Perſon; I call it unwarrantable, becauſe I cannot believe that he could have authority to uſe it to influence me, while the Report to be ſent to St. James's was compoſing.

Will Dr. Warren relate the circumſtances of that tranſaction?

The Report propoſed to be ſent was written thus:—"His Majeſty "paſſed yeſterday quietly, has had a very good night, and is calm this "morning." Dr. Willis deſired that ſome expreſſion might be made uſe of, indicating that his Majeſty was advanced ſince the day before in his cure; I objected to this, becauſe I had ample reaſon, from my converſation with his Majeſty, and from the information which I had received from Mr. Charles Hawkins, to think the contrary true—Dr. Willis then ſaid, "a certain Great Perſon will not ſuffer it to go ſo, and it will fall upon "you."

Are you ſure you are correct in thoſe words?

I believe I am; I took the words down as ſoon as I came home—Dr. Reynolds was preſent when the words were ſpoken.—I made no obſervation to Dr. Willis on thoſe words; but, after talking with him a little more on the ſubject of his Majeſty, compoſed, together with Dr. Reynolds, the following Report:—"His Majeſty paſſed yeſterday much in the "ſame manner as he did the day before; has had a very good night; "and is this morning as he was yeſterday." Dr. Reynolds, Dr. Willis, and Dr. Warren, ſigned this Report; it was ſent up ſtairs, and was returned, with an order to change the words, "as he was yeſterday," into "continues to mend."—Doctor Warren deſired the honour of an audience; and, upon ſtating his reaſons why no amendment had taken place, the words, "continues to mend," were given up; and the ſentence, "is this morning in a comfortable way," was ſubſtituted in their place.

When Dr. Willis uſed theſe expreſſions, "a certain Great Perſon will not ſuffer it to go ſo, and it will fall upon you;" whether Dr. Warren underſtood thoſe words to convey to him, that a perſeverance in his opinion would draw upon him the diſpleaſure of the Great Perſon alluded to?

I was clear that Dr. Willis meant I ſhould think ſo.

Whether the fear of the diſpleaſure of that Great Perſon would, or would not, be a powerful motive of action with Dr. Warren, in any caſe where his conſcience and honour did not prevent him paying attention to ſuch a motive?——It moſt certainly would.

Were the words Dr. Warren ſtated to have been given up immediately after his ſtating his objections?

After I had ſtated my objections, and ſupported them with ſeveral arguments, the words were given up; and upon my ſaying, "That though "his Majeſty was not mended ſince yeſterday, yet that he was in a com-"fortable way this morning, which I hoped tended to a cure," the word "Comfortable" was immediately adopted.

Whether, upon Dr. Warren's ſtating, that he objected to thoſe words, they were immediately given up? or, Whether there was any inclination ſhewn to induce Dr. Warren to ſign the altered Report, after he had ſtated that he objected to the alteration?

There was no inclination ſhewn to give up the words, till the word "Comfortable" had been uſed.

Queſtion repeated.

After my arguments had been repeated, and ſeem to be underſtood, and I had added, that I had received information from one of his Majeſty's attendants, of the ſtate of his Majeſty's health that morning, the words were given up.

Whether there was any period, after the witneſs had declared that he objected to the alteration, in which an inclination was ſhewn to induce him to ſign it?

Till I was completely underſtood.

Does the witneſs mean, by being completely underſtood, that he objected, or till the arguments upon which he founded his objections were completely underſtood?

Till the arguments upon which I founded my objections were completely underſtood.

Is the Committee to underſtand then, that, during that period in which it was underſtood that Dr. Warren objected, but the arguments upon which he objected were not underſtood, an inclination was ſtill ſhewn to induce him to ſign the altered Report?

The Great Perſon ſeemed to be ſo ſtrongly perſuaded that there was a real amendment that morning, that it was neceſſary to produce ſeveral arguments to convince that perſon to the contrary; until that conviction was obtained, there appeared an expectation that I ſhould adopt the words "continues to mend."

Is the Committee to underſtand, that that expectation continued to appear after Dr. Warren had ſtated that he objected to the alteration?

In the interval after ſtating that I objected, and before the arguments had been ſtated, that expectation appeared to continue.

Whether Dr. Warren did, or did not, peremptorily refuſe to ſign the altered Report?

No;—that Great Perſon adopted the word "comfortable," and I immediately retired to put it into the Report.

Whether, ſubſequently to this audience, any thing paſſed relative to this tranſaction?

Yes;—Lady Harcourt, and Lady Charlotte Finch, followed me down ſtairs, and inquired of me, who the perſon was from whom I had my in-

formation relative to his Majesty's health that morning? I answered, from Mr. Charles Hawkins. When Mr. Charles Hawkins appeared, he was asked by the two ladies what he had said to me that morning respecting his Majesty's health? He gave them an account, and they retired. The next time that I went down to Kew I was treated with marks of attention and respect that I had not received for some time before.

What was the line of argument employed by Dr. Warren, in order to convince the Great Person of whom he has spoken, that in the King's situation that morning there was no real amendment?

First of all I mention the rule by which I judged of the health of persons in his Majesty's situation, and which I have given in the former part of this examination. I then drew an argument from the conversation I had had with his Majesty, without mentioning the particulars of it. I then observed his Majesty had often been in the same state without its remaining many hours (which turned out to be the case on that day.) I then brought another argument from the information I had received from Mr. Hawkins. [Withdrew.

Jovis, 8° die Januarii 1789.

Sir LUCAS PEPYS again called in, and examined.

DID Sir Lucas Pepys ever endeavour to induce Dr. Willis to sign any Report sent to St. James's, respecting the King's health, which Report Dr. Willis affirmed to be contrary to the true state of the King's situation?

The only conversation which appeared at all like altercation, respecting the account sent to St. James's, was whether the words "*very* good "night," instead of "good night," should be put in.

Did you ever tell Dr. Willis that it was usual for Physicians to sign their names to statements of facts, which they are not sure are true and correct, for the sake of agreement?

Certainly never;—but upon such trifles as above mentioned, I stated that it was the usual custom, when two out of three were of the same opinion, for the third to acquiesce.

Does Sir Lucas Pepys mean, that that opinion of his was confined to such trifles as related to the wording of nearly the same opinion?

At that time it related merely to those words; and though I understand differences of opinion have arisen about wording the account sent to St. James's, yet when I have been present none have arisen.

Did Sir Lucas Pepys ever inform Dr. Willis, that the opinion or medical judgment, connected with any statement of fact of one Physician, should give way to the other two, and that he was surprised that Dr. Willis should hesitate about it?

Unless the word "*very*" above mentioned, may be considered as connected with a medical fact, I know of no other conversation upon the subject.

Did Sir Lucas Pepys on that occasion employ any vehement persuasion, so as to bring on words or altercation with Dr. Willis, so as to induce Dr. Willis to sign such reports against his judgment, in order to avoid such altercation?

I was writing during the whole time; and so far from using vehement words, I advised him, in the quietest manner, to avoid all altercation about trifles;

trifles; and, though Sir George Baker and I were two opinions against one, finding Dr. Willis was anxious to retain the word "*very*," Sir George Baker gave up the point, and the Report went as Dr. Willis had desired it.

Whether Sir Lucas Pepys does not hold himself responsible in his character to the public, for the truth of the Report sent to St. James's, to which he signs his name?

Certainly not for the whole truth; as we consider it as unnecessary to wound the feelings of her Majesty and the rest of the family, by saying more than was absolutely necessary.

Whether you do not hold yourself bound to set your name to no account which contains any thing which you think not true?

I certainly do.

Whether, if Sir Lucas Pepys happened to be of opinion, upon any morning, that the words "continues to mend," would be an apt description of his Majesty's case, and Dr. Warren and Sir George Baker should think the words "his Majesty is in a comfortable way" more proper, intimating at the same time, that they hoped that that had a tendency to a cure, Sir Lucas Pepys would think he acted unwarrantably in giving up the words "continues to mend," and agreeing to the words used by the other two Physicians, namely, "his Majesty is in a comfort-"able way," those words being so explained as to their tendency?

It is impossible that those words, "comfortable way," and, "con-"tinues to mend," could have the same tendency, and be of the same import.

Whether, if Dr. Warren had used those words, "his Majesty is in a "comfortable way this morning, which I hope tends to a cure," Sir Lucas Pepys would have thought he acted unwarrantably in using those words in conjunction with the other Physicians, so explaining in fact their sense of them?

I should have thought I had acted unwarrantably in signing my name to such an explanation, which could never be an explanation of "con-"tinues to mend."

Was Sir Lucas Pepys of opinion, the day before yesterday, that he ought to have no better hopes of his Majesty's recovery than he had when he was formerly examined here?

I stated yesterday, that the hopes of recovery must be still on the same ground upon which I had stated them to be at the former examination; for, though I saw occasionally abatement of symptoms, I saw no symptoms of approaching convalescence.

Does Sir Lucas Pepys continue to think this morning as he did yesterday, that, all the circumstances of his Majesty's case being duly attended to, he can conclude with more certainty that his Majesty will recover, than he could when he was examined before the former Committee?

Though the hopes of recovery must have been the same, yet, from the consideration of the abatement of symptoms, I continue in the opinion that I was yesterday, that I can speak with more certainty of the prospect of his Majesty's recovery.

Whether, if there has been any error or imperfection in the accounts sent to St. James's, Sir Lucas Pepys conceives it to have consisted in representing his Majesty's state to be worse than it is?

Directly

Directly the contrary.—I have always endeavoured to repreſent his Majeſty's ſituation in the moſt favourable light.

Whether Sir Lucas Pepys conſiders it to be his duty to take care, as far as depends on him, that the Report ſent to St. James's ſhall convey ſuch an account as may not tend to miſlead the public, reſpecting the ſtate of his Majeſty's health?

Till after the examination before the Privy Council, every account was purpoſely framed to give the public no ſort of information of his Majeſty's ſituation. Since that period, we have endeavoured, as much as poſſible, to repreſent his Majeſty's ſituation as favourable as poſſible, conſiſtent with truth, though without mentioning particular circumſtances.

Whether under any explanation of the words "continues to mend," Sir Lucas Pepys would think himſelf warranted to ſign a Report containing thoſe words, if he was not convinced, either by his own obſervation, or the information of others, that there had been previous ſigns of amendment as leading to convaleſcence?

Nothing could induce me to ſign the words "continues to mend," unleſs I had from my own obſervation diſcovered evident ſigns of gradual approaches to convaleſcence, under any explanation whatſoever.

When Sir Lucas Pepys ſaid, there was an endeavour to repreſent the King's ſituation in a favourable light, did he ſpeak of the Reports ſigned by the other Phyſicians, or more particularly of thoſe ſigned by himſelf?

I am ſatisfied, from repeated converſations on the ſubject, that the reſt of the Phyſicians concurred with me in always endeavouring to give the moſt favourable account.

Whether you know when the order mentioned by you yeſterday, that no perſon ſhould be admitted without the leave of Dr. Willis, was firſt made?

I cannot juſtly ſay whether it was five, ſix, or ſeven days ago, but ſomewhere thereabouts. As far as I can recollect, it muſt have been on Friday laſt—I never ſaw it till I was down the time before laſt—it was when I came down at four o'clock on Friday.

Do you recollect the terms of the order?

The purport of it is, that it is ordered that no perſon ſhall go into his Majeſty's apartment without the leave of one of the Dr. Willis's.

Whether, to your knowledge, any improper perſons, either by means of the Phyſicians, or of others, had obtained admiſſion into his Majeſty's apartment, to make the iſſuing ſuch an order neceſſary?

I know of no perſon having been admitted into his Majeſty's apartments, except thoſe who are in uſual attendance upon him, unleſs Dr. Willis's ſon, the Clergyman, may be conſidered as ſuch?

Is that ſon a phyſician? — No.

Whether you have not obſerved that patients under this malady may enjoy a ſtate of conſiderable bodily health, the free uſe of all their bodily organs, and of all their bodily functions, and yet ſtill labour under a mental diſtemper? — Undoubtedly.

Whether in this malady there may not be a temporary and partial uſe of underſtanding, when at the ſame time the general mental faculties continue much deranged?

Certainly.

Whether

Whether or no the perſons who are uſed to the diſcipline employed in this malady, and to the means of coercion, are not known to obtain a conſiderable dominion over the perſons under their care?

Certainly.

Whether you have not obſerved, that the favourable circumſtances which occur in one day, have frequently been overturned in the next?

Continually. Withdrew.

Sir GEORGE BAKER called in, and examined.

Whether, in his opinion, the ſtate of his Majeſty's health does, or does not, continue to be ſuch as to render his Majeſty incapable, either of coming to Parliament, or of attending to public buſineſs?

Certainly.

What hopes does Sir George Baker now entertain of his Majeſty's recovery?

My hopes of his Majeſty's recovery ſtand upon the ſame grounds they did when I was here laſt.

Can Sir George Baker now form any judgment, or probable conjecture, of the time that his Majeſty's diſeaſe is likely to laſt?

I can form no judgment or probable conjecture, with reſpect to the continuance of the diſeaſe.

Whether, in his Majeſty's diſorder, Sir George Baker ſees any preſent ſigns of convaleſcence?——None.

Can you inform the Committee, whether a majority of perſons, who have been afflicted with this malady at his Majeſty's time of life, have recovered?

I can only anſwer that by conjecture; I believe not.

Does Sir George Baker (all the circumſtances of his Majeſty's caſe, which have fallen within his obſervation, being duly attended to) think the chance of his Majeſty's recovery greater, or leſs, than it was at the time he was examined before the former Committee, or equal to what it was, in his judgment, at that time?

In my judgment it is preciſely the ſame.

Whether you conſider the continuation of the malady four weeks longer, without any ſigns of convaleſcence, as making any difference with reſpect to the chance of recovery?

My experience leads me to anſwer, that it makes no difference.

Do you not hold yourſelf reſponſible in your character to the public for the truth of the Reports ſent to St. James's, to which you ſign your name?

I have never ſigned my name to any thing that I had not thought true, or very near true; We have always taken it in the moſt favourable light.

Would any argument or motive have induced you to ſign your name to a leſs favourable account of his Majeſty's ſituation than, in your own conviction and conſcience, you thought the fact was?

Certainly not.

Did

Did you ever endeavour to induce Dr. Willis to ſign any account of his Majeſty's health, which he (Dr. Willis) declared not to be correct, or ſufficiently favourable, according to Dr. Willis's opinion?—Never.

Did Sir George Baker ever inform Dr. Willis that it was uſual for Phyſicians to ſign their names to ſtatements of facts, which they were not ſure were true and correct, for the ſake of agreement?

Never.—I ſuppoſe I know what that alludes to.

To what does that allude?

It alludes to this:—One morning, when the Report was to be ſent to St. James's, his Majeſty was reported to have ſlept four or five hours I think—Dr. Willis inſiſted that the Report ſhould run—"His Majeſty "has had a very good night."—Sir Lucas Pepys, who was there, and myſelf, ſaid that we were very willing to ſay it was a good night—Dr. Willis peremptorily inſiſted that it ſhould be written "A very good "night;" otherways he would not ſign it.—I ſaid to Dr. Willis, upon this occaſion, I never knew an inſtance, before the preſent, when, in matters of no importance, one Phyſician did not yield to two; however I will have no diſpute with you, I will allow it to be a very good night.

Then you confine your opinion, that one Phyſician ſhould yield to two in matters of little or no importance?——I do.

On whoſe report and authority did you form your judgment, with reſpect to the manner in which his Majeſty had paſſed the night?

On the report and authority of the Pages, the Medical Attendant, and Dr. Willis.

Whether Sir George Baker does not conceive, that if the fact of the manner in which his Majeſty paſſed that night was diſputed, the Medical Attendant, and others, from whom Sir George Baker received his information, would be the perſons who could give the moſt correct account of that fact to this Committee?——Certainly.

Do you recollect whether the Medical Attendant, or other perſons attending, or any of them, ſaid that his Majeſty did paſs a very good night?

I really cannot recollect—there is ſo little difference between a good night, and a very good night, that I did not think it worth charging my memory.

Sir George Baker then cannot ſay, upon recollection, that they did not ſay that his Majeſty had paſſed a very good night?

I do recollect that Dr. Willis's ſon did ſtate, that it was a very good night; as to the others, I cannot recollect.

Did Dr. Willis's ſon ſit up with his Majeſty?

I really do not know.

Is it uſual for his Majeſty to be attended by Dr. Willis's ſon through the night?——No.

Does Sir George Baker conceive, if the medical attendant, and the other perſons whom Sir George Baker underſtood actually to have attended

tended his Majeſty through the night, had reported to him that his Majeſty had had a very good night, that he ſhould have heſitated to have ſo ſtated it in the account?

I muſt obſerve, that the medical attendants do not ſit up with his Majeſty, ſo that our Report depends upon the Pages and Dr. Willis's men.

Whether the medical attendants are perſons who could give the moſt correct information to this Committee, of the fact how his Majeſty paſſed the night?

Certainly, if the medical attendant did not ſit up, he could not.

Whether you do not think that thoſe four medical attendants on his Majeſty are capable of giving information, reſpecting his Majeſty's ſituation, worthy the attention of this Committee, in addition to the information they receive from his Majeſty's Phyſicians?

The four medical attendants are very ſenſible men; each of them ſtays in the houſe 24 hours in his turn; and I think each of them capable of giving this Committee ſatisfaction with reſpect to any queſtions they may aſk.

Whether thoſe Gentlemen have not frequent acceſs to his Majeſty when the Phyſicians are not preſent?—They have.

Whether they do not examine into the ſtate and manner in which his Majeſty paſſed the night, previous to the arrival of the Phyſicians?

They uſed to do ſo till lately.

How long have they ceaſed to do ſo, and upon what account?

I think it was laſt Saturday morning, that I ſaw a paper ſtuck up over the chimney of the Pages room, with an order to this effect: "No one, "except the Pages, is allowed to go to his Majeſty, except introduced by "one of the two Dr. Willis's."

When was you at Kew before that time?

That muſt be Thurſday.

Was the paper not there then?

I did not ſee or hear of it.

Does Sir George Baker conceive that he muſt have heard of it, if any ſuch order had been then iſſued?

I conceive that I muſt have heard of it.

Does Sir George Baker know of any inſtances of improper perſons having been introduced to his Majeſty's apartment, either by the Phyſicians or others, to cauſe the iſſuing of that order?—No.

By whoſe authority was that order iſſued?

I aſked Dr. Willis; he ſaid that he wrote it, without any further anſwer.

Did Sir George Baker converſe with any of the medical attendants reſpecting that order, or underſtand from them that they were excluded by it from entering, as they were uſed to do, his Majeſty's apartment, unleſs with the permiſſion of Dr. Willis or his ſon?

It was generally underſtood by the Phyſicians, that the order was intended to exclude them and the medical attendants, unleſs introduced by Dr. Willis or his ſon.

Did Sir George Baker hear, either from the Phyſicians, or from any of the medical attendants, any reaſon aſſigned, as the probable cauſe of that order?—No.

Was Sir George Baker at Kew on the Friday before that Saturday? No.

If there has been any error or imperfection in the account ſent to St. James's, does Sir George Baker conceive it to have conſiſted in repreſenting his Majeſty's ſituation worſe than it is?

If there has been any error or imperfection, it has been in repreſenting his Majeſty's ſtate better than it is.

Is it uſual, when a patient is put under the care of a perſon who has made this particular branch his ſtudy, for that perſon to be conſulted reſpecting the perſons by whom the patient is to be ſeen, or attended, and the time?

When I attend a patient with Dr. Munro, he and I conſult and ſettle the times of attendance—the Apothecary goes in without his leave—and there is a certain attendant or two always with the patient.

Whether the Phyſicians, or ſome of them, ſince this order was made, have daily ſeen his Majeſty?

Always, with Doctor Willis.

Whether, previous to the iſſuing of that order, and ſince Dr. Willis has been attending his Majeſty, Sir George Baker has not had frequent opportunities of ſeeing and converſing with his Majeſty, not in the preſence of Dr. Willis or his ſon?

When his Majeſty firſt came from Windſor to Kew, I conceived that I was at liberty to viſit his Majeſty at any time; but afterwards I found it was diſagreeable to Dr. Willis that I ſhould go in without him, and therefore I have of late very ſeldom, if ever, viſited his Majeſty but in company with Dr. Willis.

Whether Sir George Baker thinks he can form as accurate a judgment of the actual ſtate of his Majeſty, from converſing with his Majeſty in the preſence of Dr. Willis or his ſon, as when allowed to converſe with his Majeſty as he had uſed to do?

In my opinion, it makes very little difference.

Whether, by Dr. Willis's advice, a courſe of medicine has been preſcribed to the King, different from that which had been previouſly uſed, or would have been otherwiſe recommended by his Majeſty's Phyſicians?

No medicine has been given the King, ſince Dr. Willis's arrival, but with the conſent of the other Phyſicians.

Queſtion repeated.

I believe there was one pill of calomel given to the King by Dr. Willis's deſire, but I know of no other.

Whether that had the deſired effect in promoting his Majeſty's convaleſcence?

It had the common effect of purges, and no other.

Whether before Dr. Willis's arrival, the peculiar mode of coercion and management, which has been ſince uſed, had been employed in the ſame way, or in an equal degree?

Neither in the ſame way, nor in an equal degree.

Have they produced that effect towards the King's convaleſcence, which was not experienced from the former management?

They

They have made his Majeſty quieter, more manageable; but I am not ſure that any thing has been done by them towards convaleſcence.

Is Sir George Baker ſure that it was on Saturday the 3d inſtant, that he firſt ſaw the order that no perſon ſhould be admitted into the King's apartment without the leave of Dr. Willis, or his ſon?
It is a thing I would not take my oath to, but I believe it to be ſo.

Did you then hear that any diſpute, or material difference of opinion, had taken place on the preceding day, between Dr. Willis and Dr. Warren?
I had heard it before I ſaw the paper, and that it happened on the Friday.

Did you underſtand that it was upon the information received from ſome of the medical attendants, who had then acceſs to his Majeſty's apartment, that Dr. Warren had in ſome meaſure ſupported the opinion he maintained?—I certainly did.

Do you recollect that Mr. Charles Hawkins's authority had been quoted by Dr. Warren, on that occaſion?
I heard that it had been quoted.

Does Sir George Baker conceive, that Dr. Warren, or himſelf, or any other Phyſician attending his Majeſty, would now be deprived of the ſame means of information reſpecting the ſtate of his Majeſty in their abſence, upon which Dr. Warren then formed, in part, his judgment, unleſs with the permiſſion or conſent of Dr. Willis or his ſon?
If that order, ſet up by Dr. Willis, takes place, it will not be in the power of any of thoſe medical gentlemen to give us any information.

How long have you been employed as Phyſician to his Majeſty?
Ever ſince the death of Sir Richard Jebb—about a year and a half, I think.

Has Sir George Baker attended his Majeſty only, or has he been employed in attending the Royal Family?
Both his Majeſty and all the Royal Family: I mean the Family at Windſor, and at Kew.

Is Sir George Baker now employed to attend on the Royal Family?
Only the King—not the Royal Family.

Whether there has been any direct or indirect attempt made, by any of the Phyſicians, at any time, to controul or influence you with reſpect to the account to be given of his Majeſty's ſituation?
None.

Withdrew.

Doctor HENRY REVEL REYNOLDS called in, and examined.

Whether, in his opinion, the ſtate of his Majeſty's health does, or does not, continue to be ſuch as to render his Majeſty incapable, either of coming to Parliament or of attending to public buſineſs?
It does render him incapable, unqueſtionably.

What hopes does Dr. Reynolds now entertain of his Majeſty's recovery?
I think there are the ſame hopes now that there were before; not leſs, certainly.

Can Dr. Reynolds now form any judgment, or probable conjecture, of the time that his Majeſty's illneſs is likely to laſt?

No, I cannot.

Whether, in his Majeſty's diſorder, Dr. Reynolds ſees any preſent ſigns of convaleſcence?

His Majeſty is more quiet, more obſervant of the admonition of his Medical attendants, in perhaps a ſtill better ſtate of general health, which are favourable circumſtances, and which, I hope, lead to amendment; but I cannot ſay that there is any actual amendment at preſent in his Majeſty's principal complaint.

Whether, in Dr. Reynolds's judgment, the chance of his Majeſty's recovery (all circumſtances that have fallen within his obſervation being duly attended to) is greater, or leſs, than it was at the time Dr. Reynolds was examined before the former Committee? or whether, in his judgment, the chance of his Majeſty's recovery is as good as it then was?

The chance of his Majeſty's recovery is certainly as good now as it was then, in my opinion.

Does Dr. Reynolds conceive that the duration of his Majeſty's illneſs up to this time (all circumſtances of his Majeſty's caſe being duly attended to) does, or does not, decreaſe the chance of his Majeſty's recovery?

The duration hitherto certainly does not militate againſt his Majeſty's recovery; few recover ſo ſoon from ſuch maladies.

Whether, from Dr. Reynolds's obſervation, his Majeſty does, or does not, appear to be more eaſily controuled now than he was a fortnight ago, under the ſame ſpecies of care and management?

I think his Majeſty is more eaſily controuled.

In the judgment of Dr. Reynolds, and according to his obſervations in caſes of this kind, is the circumſtance that a patient is more eaſily controuled, a favourable circumſtance towards his recovery?

It is frequently a previous ſtep to it.

Whether it is uſual, in caſes ſuch as his Majeſty's, for Phyſicians, who have not made ſuch caſes their particular ſtudy, to call in the aſſiſtance of phyſicians who have made thoſe caſes the ſubject of their particular attention?

That depends very much upon the particular circumſtances of the patient in many reſpects; in the firſt place, the pecuniary circumſtances of the patient influence you in propoſing a conſultation with another Phyſician: In the next place, it will depend upon the ſymptoms of the particular patient; if no reſtraint or coercion is neceſſary, from the particular circumſtances of the caſe, every Phyſician of experience will, I have no doubt, think himſelf competent to conduct a patient in ſuch a caſe; I mean at the ſame time to be underſtood, that in that caſe, as in every other, no liberal man will have any objection to a conſultation if called for.

If, in this diſorder, reſtraint and coercion does become neceſſary, whether Phyſicians of general practice do not uſually call in the aſſiſtance of Phyſicians who have made this branch of medicine their particular ſtudy?

It is uſual, and for theſe reaſons amongſt others—that Gentlemen, who have dedicated themſelves to that particular object of practice, have

have uſually houſes of reception for patients ſo circumſtanced, which they ſuperintend; from them therefore proper aſſiſtance can be procured; and as it is neceſſary to avoid all cauſes of emotion in ſuch patients, it may be proper to remove thoſe patients from their own families, that the objects, which are moſt apt to excite thoſe emotions, may be kept from them.

Dr. Reynolds ſays, that it is uſual for theſe reaſons amongſt others; what are thoſe other reaſons?

I cannot recollect all thoſe reaſons immediately; ſome of them are, perhaps, points of etiquette. We ſhould be glad to have the benefit of the experience of ſuch Phyſicians in caſes of this kind.

Whether ſuch Phyſicians, who have made this branch of medicine their particular ſtudy, do not, from their conſtant opportunities of making obſervations upon the caſes of perſons ſo diſordered, acquire the habit of judging better upon the probability of the recovery of patients, than other Phyſicians who have not made that branch of medicine their particular ſtudy, and who have not the ſame conſtant opportunities of making the like obſervations?

That muſt in a great meaſure depend upon their relative capability of obſerving, and upon their fidelity in recording what they obſerved; thoſe being equal, the greateſt experience muſt have the preference.

Would Dr. Reynolds think a perſon, who has made this branch of medicine his particular ſtudy for twenty-eight years, and under whoſe care nine out of ten of the perſons who have been put under that care within three months after they had begun to be afflicted with that diſorder had recovered, a perſon ſkilful in ſuch caſes?

Yes, if I could believe the fact.

Whether, to induce Dr. Reynolds to believe ſuch a fact, he would not require ſome further evidence than the aſſertion of the perſon who ſtated himſelf to have been ſo ſucceſsful?

I certainly ſhould require further evidence than the aſſertion of any man, to induce me to believe ſuch a fact.

Does Dr. Reynolds conſider an aſſertion made before this Committee, though not upon oath, as made under an obligation, on the part of the perſon making it, to ſpeak the truth, equal to an aſſertion made upon oath?——I conſider myſelf under the ſame obligation.

If a Phyſician of long experience aſſerted that he had from eight to ten patients uſually at a time, for five years together, in a houſe, and never had more than four patients who were not cured within the year, and continued well as far as he ever knew; and that, if any of thoſe perſons had relapſed, he believed, from the partial opinion of their families, he ſhould have heard of it; he would require further evidence of the truth of that fact?

I ſhould not be ſatisfied without further evidence than aſſertion, though I do not mean to impeach the credibility of any one.

Whether, in Dr. Reynolds's opinion, his Majeſty's bodily ſtrength has increaſed, or declined, during the laſt month?

His Majeſty's bodily ſtrength certainly has not declined; I am not competent to judge of any increaſe of it, for it is not put to any exertion; he appears to be alert and active.

Whether Dr. Reynolds thinks his Majeſty's bodily health thriving or declining?

I think

I think his Majeſty's general health is improved within the laſt month.

Whether Dr. Reynolds now entertains hopes of his Majeſty's more ſpeedy recovery from his preſent malady, than when he was laſt examined?

It is impoſſible to aſcertain the time, I cannot venture even to hazard a conjecture.

Whether, after it has become neceſſary to reſort to that particular mode of coercion applied by perſons particularly converſant in that branch of medicine, the patient ſo coerced is to be conſidered as affected with the diſorder in a greater degree than before ſuch coercion became neceſſary?

There is a ſtate without turbulence, which equally incapacitates a perſon from tranſacting buſineſs as the turbulent ſtate which does require coercion.

In which of the two ſtates is there a greater proſpect of a ſpeedy recovery?

When a patient afflicted with this malady, who has been turbulent, ceaſes to be ſo, he may be ſaid to be in a ſtate more favourable to recovery than while he continued in this turbulent ſtate.

Whether Dr. Reynolds knows, or has any grounds of informing the Committee, whether the majority of perſons afflicted with this malady at his Majeſty's time of life have recovered?

I have not ſufficient grounds to anſwer that queſtion.

Do you conſider a perfect ſtate of bodily health, co-exiſting with a complete mental diſtemper, a very good ſymptom towards recovery of the mental diſorder?

If a patient ſhall have been ſeveral months, perhaps a year, afflicted with the mental diſorder, which diſorder remains without diminution, I ſhould not conſider perfect bodily health as promiſſory of recovery from the mental diſorder.

Whether the improvement of bodily health, without any proportionate improvement of mental ſanity, becomes a probable ſymptom of mental convaleſcence?——In a recent caſe I think it is.

Whether, in the caſe before us, a ſtate of quiet has not often ſucceeded a ſtate of irritation, and a ſtate of irritation a ſtate of quiet—and what was the difference obſerved in each ſtate with regard to mental ſanity in this caſe?

There have been frequently ſuch viciſſitudes, and there have been nearer approaches to reaſon in a ſtate of quiet than in a ſtate of turbulence; but I think not invariably ſo; this is to the beſt of my recollection at preſent.

Was Dr. Reynolds preſent at a diſcuſſion which took place on Friday the ſecond inſtant, between Dr. Willis and Dr. Warren, reſpecting the account which was that day ſent to St. James's?——I was.

Relate what paſſed upon that occaſion.

When Dr. Warren came down to Kew on Friday morning the ſecond inſtant, I ſaw him before he viſited his Majeſty, and told him how I had found his Majeſty the evening before, and that morning when I viſited him. After Dr. Warren had waited upon his Majeſty, he came into the room where we uſually conſult, and, after agreeing upon the preſcription for the day, we proceeded to conſider what report we ſhould ſend to St. James's; there were then preſent in the room, Dr. Warren, Dr. John Willis, and myſelf; and, as nearly as I can recollect, Dr. Warren and I agreed upon this Report: "His Majeſty paſſed yeſterday quietly, has

"had

" had a very good night, and is calm this morning." I wrote it, read it over, and Dr. John Willis objected to it, alledging that it was not deſcriptive of his Majeſty's amendment, for that he certainly was much better, having, on the preceding day, and on that morning, ſaid many pertinent and rational things. Dr. Warren contended, that ſeveral things ſaid properly proved nothing; but that ſome things ſaid immediately afterwards improperly were deciſive. Dr. John Willis contended, that a mitigation of ſymptoms was amendment. Dr. Warren did not conſider that any amendment could take place, till there was an interval of an hour, or more, of reaſon and judgment. While they were in this argument, Dr. Willis, ſen. came in, was ſhewn the Report intended to be ſent to St. James's, and did not at firſt reading it diſapprove of it; but upon Dr. John Willis's obſerving, that it did not contain ſo favourable an account of his Majeſty's ſituation, as the Report which had been ſent on the preceding day, he objected to it, contending that there was a material amendment, which ought to be reported.—Dr. Warren and myſelf, not ſeeing his Majeſty's ſtate in the ſame light, thought that the Report held out ſufficient hopes to the public. Doctors Willis (I think both, but I am certain Dr. Willis, ſen.) obſerved that the Queen would not ſuffer it to go ſo; and I cannot exactly recollect what words immediately followed, but Dr. Willis, ſen. addreſſing himſelf to Dr. Warren, ſaid " that it would fall upon him :" That expreſſion I particularly remember.—We talked again upon the ſubject, and drew up the following Report: " His Majeſty paſſed yeſterday much in the ſame manner as " he did the day before, has had a very good night, and is this morn- " ing as he was yeſterday." This Report was carried up ſtairs, and when returned, it was accompanied with a deſire that we would add to the end of the laſt ſentence, " continuing mending :" I ſpeak to the beſt of my recollection.—This ſeemed to Doctor Warren and myſelf more than the ſtate of his Majeſty authorized us to ſay. Doctor Warren therefore deſired the honour of an audience of her Majeſty, which was granted; and when he returned, the laſt part of the Report was altered as follows: " and is this morning in a comfortable way," inſtead of " is this morning as he was yeſterday." I ſpeak from memory—I have no notes. Dr. Willis continued arguing warmly with Dr. Warren, while I was writing the three Reports—they were in the next room to that in which I was writing—the door wide open; and I heard Dr. Willis ſay to Dr. Warren, amongſt other expreſſions of diſagreement with him in opinion, that if Dr. Warren held the opinion which he maintained, that it impeached his common ſenſe, or ſomething elſe; to which Dr. Warren made no reply, only deſired the perſons preſent, among whom were Lady Harcourt, Lady Charlotte Finch, and General Gordon, to obſerve that Doctor Willis had made uſe of ſuch an expreſſion. Dr. Warren conducted himſelf, through the whole of this unpleaſant buſineſs, with admirable temper.

Does Dr. Reynolds recollect ſufficiently the converſation which paſſed between Dr. Warren and Dr. Willis upon that Friday, to take upon himſelf to ſay poſitively, whether the following circumſtances occurred between thoſe perſons at any time that day; namely, Whether Dr. Willis aſked this queſtion of Dr. Warren, or any queſtion to this effect: " If a perſon in ſuch an indiſpoſition as his Majeſty, ſhould not ſay one " ſenſible word in twenty-four hours, and in the next twenty-four ſhould " ſay but one word, that he would not ſay if he was not indiſpoſed,

" Whether

" Whether Dr. Warren ſhould not think him better." If any ſuch queſtion, or any queſtion to that effect, was aſked by Dr. Willis, whether Dr. Reynolds can ſay poſitively, that Dr. Warren did, or did not, anſwer " No," or what other anſwer he gave to it?

I think I recollect that ſome ſuch queſtion was propoſed by Dr. Willis to Dr. Warren, but I do not remember that Dr. Warren ſaid " No;" as he admitted, if a perſon in the ſituation of his Majeſty, was for the ſpace of one hour or more, like himſelf, that he ſhould think him mended. I remember this obſervation was made by one of the Dr. Willis's to Dr. Warren, or ſomething to this purpoſe, " You will not " allow a perſon in this ſtate to be better till he is well?"—" Yes, I " will," ſaid Dr. Warren, " when I ſee him have an interval, for the " ſpace of an hour or two, of reaſon and judgment, but not till then." This is as nearly as I can recollect.

Does Dr. Reynolds recollect what were the words which Dr. Warren had uſed immediately before one of the Dr. Willis's ſaid to him, " You " will not allow a perſon in this ſtate to be better till he is well?"

No, I do not.

Is the Committee to underſtand, that Dr. Warren did not anſwer to Dr. Willis in this argument, " that he ſhould think no perſon better till " they were perfectly well?"

Dr. Warren did not ſay that in my hearing.

Did he ſay, in Dr. Reynolds's hearing, " that he ſhould think a per- " ſon better if he was himſelf for an hour or two?"

Yes, he did.

Does Dr. Reynolds hold himſelf reſponſible in his character to the public, for the truth of the accounts ſent to St. James's, and ſigned in his name?

I have always wiſhed to give, in that Report, as favourable an account of his Majeſty's health as I could conſiſtent with truth.

Did Dr. Reynolds ever endeavour to induce Dr. Willis to ſign any account of the King's ſituation, by any vehement argument or diſpute, which Dr. Willis declared to be contrary to his opinion?

Never.

Did Dr. Reynolds ever inform Dr. Willis, that it was uſual for Phyſicians to ſign their names to ſtatements of facts, which they are not ſure are true or correct, for the ſake of agreement?

I never did.

Did Dr. Reynolds ever tell him, that in ſuch matters the opinion of one ſhould give way to the other two, and that he was ſurpriſed he ſhould heſitate about it?

No.

Should not Dr. Reynolds conſider the ſigning his name to any account ſent to St. James's, which tended to miſlead the public into a leſs favourable opinion of his Majeſty's ſtate than the fact warranted, as equally culpable in him, as the giving untrue information to this Committee?

I ſhould think it highly culpable to do ſo.

When

When did Dr. Reynolds first hear of the order, that no person should be admitted into his Majesty's apartment, without the permission of Dr. Willis, or his son?

I first observed that written order fixed above the chimney, in the Pages room, on Sunday last.

Does Dr. Reynolds know when it was first put up?

I understood it was put up on Friday last; it was not put up when I was last in that room on Friday.

Was that the day on which the difference of opinion happened between Dr. Willis and Dr. Warren?

It was.

Did Dr. Reynolds or Dr. Warren in any measure ground the opinion, which induced them that day to differ from Dr. Willis, upon information received from Mr. Charles Hawkins, or other of the attendants who were then permitted to have access to his Majesty's apartment?

I formed my opinion from what I personally observed in his Majesty.

Did Dr. Reynolds hear Dr. Warren quote the authority of Mr. Hawkins's representation of the state in which the King had been in, in support of his objection to signing the altered Report?

I did hear him.

Does Dr. Reynolds know, or did he ever hear, of any improper persons having intruded, or being admitted into his Majesty's apartment, to make the issuing of that prohibition necessary?

I do not know any thing that has made that prohibition necessary or proper.

By what authority did Dr. Reynolds understand that notice or order to have been fixed up in the Pages room?

As it did not seem to me to be signed by any person of authority, I paid no attention to it myself, and made no other enquiries about it, except who put it there; and was told Dr. Willis; but I took a copy of it. I did hear Dr. Willis to-day, in the outer room here, say that it was put up by the authority of the Lord Chancellor, which I did not hear before; he said so in my presence, and, I think, in that of Dr. Gisborne.

Whether, in Dr. Reynolds's opinion, the four Medical Assistants, who are in constant attendance on his Majesty, are not competent to give information worthy the attention of this Committee, in addition to that of the Physicians?

I think them all men of sense and judgment, and believe them to be men of integrity.

In what state did Dr. Reynolds leave his Majesty to-day?

Pretty much, I think, in the same state as when I saw him the time before—a state of composure and quiet, but not in a mended state respecting his mind.

Whether the four Medical Persons do not, from time to time, report to the Physicians the several circumstances of his Majesty's case, in order to enable those Physicians to form their judgment upon his Majesty's case?

The Physicians form their judgment from what they hear of his Majesty in their absence, and from what they personally observe when they have the honour to wait upon him.

Whether the Phyſicians do not receive information, with reſpect to what paſſes in their abſence, from the Reports of theſe Medical Gentlemen, or ſome of them?

They do receive information from them, and require it from all who they think are capable of giving them uſeful information.

Dr. Reynolds having ſaid, that the chance of his Majeſty's recovery is certainly as good now, in his opinion, as it was when he was formerly examined before the other Committee—Is that Dr. Reynolds's opinion, after giving due attention to all the circumſtances which he has mentioned in his examination this day, and all other circumſtances which have fallen under his obſervation, and notwithſtanding any difference of opinion which may have ariſen between any of his Majeſty's Phyſicians?

It is my opinion. Withdrew.

Veneris, 9° die Januarii 1789.

Doctor THOMAS GISBORNE called in, and examined.

WHETHER, in his opinion, the ſtate of his Majeſty's health does, or does not, continue to be ſuch as to render his Majeſty incapable, either of coming to Parliament, or of attending to public buſineſs?

I think him incapable of coming to Parliament, or of attending to public buſineſs.

What hopes does Dr. Giſborne now entertain of his Majeſty's recovery?

I think as before, that there are ſtill hopes of his Majeſty's recovery.

Can Dr. Giſborne now form any judgment, or probable conjecture, of the time that his Majeſty's illneſs is likely to laſt?

No, I cannot.

Whether in his Majeſty's diſorder Dr. Giſborne ſees any preſent ſigns of convaleſcence?

I think the ſtate of his Majeſty's bodily health is better than it was three weeks ago, and that he is more quiet;—it may therefore be hoped, that theſe poſſibly may be the prelude to further amendment.

Whether the ſtate of his Majeſty's bodily health is now perfectly good, or has been at any time ſince the commencement of his preſent diſorder?

I think that can hardly be ſaid.

Whether his Majeſty's particular malady ariſes from the ſtate of his bodily health, to which Dr. Giſborne alludes?

No, I think not.

Whether you have ever endeavoured to influence or perſuade Dr. Willis to join in any Report of the ſtate of his Majeſty's health, contrary to his, Dr. Willis's judgment upon it?——Never.

Do

Do you know any other Phyſician that has?——No.

Did you ever inform Dr. Willis that it was uſual for Phyſicians to ſign their names to ſtatements of facts, which they are not ſure are true or correct, for the ſake of agreement?——No.

Did you ever tell him, that in ſuch matters, the opinion of one ſhould give way to two, and that you was ſurpriſed he ſhould heſitate about ſuch matters?——No.

Would any motive or argument induce you to ſign your name to the account ſent to St. James's, reſpecting the ſtate of the King's health, which you did not in your conſcience believe to be ſubſtantially true?
Certainly not.

Should you not conſider the ſigning your name to an account of that ſort, tending to miſlead the public into a leſs favourable opinion of his Majeſty's ſtate than the fact warranted, in the ſame point of view as giving information to miſlead this Committee?——Yes.

Whether, if there has been errors or imperfection in the accounts ſent to St. James's, you conceive it to have conſiſted in repreſenting his Majeſty's ſtate to be worſe than it is?
I know of no error; and I was ever as cautious as poſſible, that the hopes or fears of the public ſhould not be miſled.

Whether the Report ſent to St. James's does not always contain a full ſtate of his Majeſty's real ſituation?
I think it impoſſible that it ſhould.

Has it ever mentioned his Majeſty's malady at all?
I think his Majeſty's malady is eaſily to be collected from it.

Is there any thing in ſuch reports that tends to give the public any idea of his Majeſty's convaleſcence from, or growing worſe in the ſymptoms of, his peculiar malady?
There have hitherto hardly been any ſymptoms of either kind to be told.

When did you ſee or hear of the order that no perſon ſhould be admitted into his Majeſty's apartments without the leave of Dr. Willis or his ſon?
I forget; I believe about a week ago.

Do you know, or have ever heard, that any improper perſons have been admitted into his Majeſty's apartment, to make that order neceſſary?
No; I know of no improper perſons.

By what authority do you underſtand that order to have been iſſued?
I was told it was put up at Dr. Willis's deſire.

Whether you ever learnt what authority Dr. Willis had for putting up that order?
I think I heard him ſay he thought too many people went in to the King, and that the Chancellor adviſed him to do that, or ſomething elſe, to prevent it.

Had too many or any improper people been admitted, to your knowledge?

Not to my knowledge;—I was not conſtantly there, therefore cannot tell.

Were not three perſons of Dr. Willis's own family, himſelf included, of the number of thoſe who went in to the King?——Yes.

Is there not one of that family who is no Medical Attendant?

One of them is a Clergyman, and, I believe, does not call himſelf a Phyſician.

Does Dr. Giſborne know whether any perſons have gone in to his Majeſty at improper times?——No; I do not.

Does Dr. Giſborne know whether his Majeſty has, or has not, been prevented from ſleeping, by the circumſtance of any perſons going into his room?——No; I do not know that.

Has he been prevented from ſleeping?——I do not know.

Did Dr. Giſborne underſtand by that order, that the Phyſicians themſelves were not to be permitted to ſee the King, without Dr. Willis's or his ſon's permiſſion?

The words of the paper are, that no perſons, except the Pages, ſhall be permitted.

Then you did underſtand it to extend to the Phyſicians?——Yes.

Does Dr. Giſborne, when he goes to Kew, make enquiry of all or any of the four medical attendants, who are in conſtant waiting on his Majeſty, to aſſiſt himſelf by their information in forming his opinion on the King's ſtate?——Yes, I do.

Does Dr. Giſborne conceive that he ſhould be deprived of the means of material information, if all thoſe Gentlemen were excluded from acceſs to his Majeſty's apartment?——Yes.

Did Dr. Giſborne hear of any diſpute, or material difference of opinion, which had ariſen on Friday, the 2d inſtant, between Dr. Willis and Dr. Warren?——None, relative to the treatment of his Majeſty.

Did you hear of any ſuch diſpute, or difference of opinion, relative to the ſtate or condition of his Majeſty?——No.

Whether, in Dr. Giſborne's opinion, the four medical aſſiſtants, who are in conſtant attendance on his Majeſty, are not competent to give information worthy the attention of this Committee, in addition to that of the Phyſicians?——Yes, ſurely.

Whether any medicine is adminiſtered to the King, by the preſcription of Dr. Willis, unknown to the other Phyſicians?——No.

Whether there has been any particular medicine, at the ſuggeſtion of Dr. Willis, and ſoon after his arrival, adminiſtered to the King?

Not without conſultation of the reſt, that I know of.

Does

Does Dr. Giſborne recollect Dr. Willis having recommended any particular medicine, in order to meet and counteract what he, Dr. Willis, conceived to be the cauſe of his Majeſty's malady?

I do not think I underſtand the queſtion.

Does not Dr. Giſborne imagine, from this account given by Dr. Willis, viz. "That from the particular detail of his Majeſty's mode and "manner of life for 27 years, I do imagine, that weighty buſineſs, "ſevere exerciſe, and too great abſtemiouſneſs, and little reſt, has been "too much for his conſtitution. It is very early to give an opinion, "and I may be miſtaken, but I am the more inclined to think myſelf "right, becauſe the medicine that has been given his Majeſty ever ſince "Sunday morning, and was intended to meet and counteract thoſe cauſes, "has had as much effect as I could wiſh," that Dr. Willis refers to ſome medicine recommended by himſelf?

I ſuppoſe he does.

What was that medicine, which had the effect ſtated by Dr. Willis, in counteracting thoſe cauſes of his Majeſty's malady, namely, "weighty "buſineſs, ſevere exerciſe, too great abſtemiouſneſs, and little reſt, for "a courſe of 27 years?"

I have not the Recipe in my pocket.

Does Dr. Giſborne recollect, whether there was any thing peculiar and new in the medicine?

The medicine was approved of in conſultation by us all.

Have you no recollection what it was, it having produced, as Dr. Willis ſtates, as much effect as he could wiſh, and counteracting all thoſe cauſes?

I think theſe are queſtions for Dr. Willis alone to anſwer.

Had the medicine, in your judgment, any effect in meeting and counteracting thoſe cauſes?

I think none of our medicines have had the effect to be wiſhed.

Was his Majeſty gradually better, from the firſt ſix hours after he took it, to the time of your former examination before the Committee?

Not materially, that I know of.

Whether, ſince the order alluded to, Dr. Giſborne continues to have every means of obſervation and information which he deems neceſſary to direct his judgment upon the actual ſtate of his Majeſty's health?

Yes I have.

Whether Dr. Giſborne obſerves any material difference in his Majeſty, at ſuch times as he viſits him in the preſence of Dr. Willis or his ſon, and at ſuch times when neither of thoſe gentlemen are preſent?

I think he is more quiet when they are preſent.

Does Dr. Giſborne know that any of the four medical aſſiſtants have at any time been refuſed admiſſion to his Majeſty, and thereby prevented from procuring the information neceſſary to be laid before the Phyſicians?

I really do not know.

Has Dr. Giſborne ever heard them complain of any ſuch refuſal?

I have not heard them complain.

Whether, before that order, any of the medical attendants ſaw his Majeſty early in the morning before any of the Phyſicians, or ſat up with him in the night?

Yes

Yes—they have, I believe, got up to him in the night—I believe they never ſat up with him—they have ſeen him early in the morning before the Phyſicians.

Whether, ſince that order, they have been permitted to ſee him as uſual, without Dr. Willis or his ſon's being preſent?
I don't know.

Since that order, in what manner, when thoſe medical gentlemen are called upon by the Phyſicians, do they make that Report?—do they make it in the preſence of Dr. Willis and his ſon, or by themſelves?
It is accidental whether they are preſent or not.

Dr. Giſborne having obſerved, that in the preſence of Dr. Willis or his ſon, his Majeſty is more quiet, he thinks—Whether Dr. Giſborne apprehends that the reducing a patient labouring under his diſorder into a ſtate of quiet, is, or is not, likely to be one of the means of bringing about his recovery?
I think quiet to be good for ſuch patients.

Whether, if the effect of Dr. Willis's preſence is to render his Majeſty more quiet, it does not make any judgment formed of the ſtate of his Majeſty's mind at that time more uncertain?
No.

Whether Dr. Giſborne does not think that the judgment formed of the ſtate of his Majeſty's mind, by a Phyſician ſeeing his Majeſty in the preſence of Dr. Willis, might be different from that which he would form if Dr. Willis was not preſent?
Not if he were a Phyſician of judgment.

Whether Dr. Giſborne, in his conſcience, thinks, after duly attending to all the circumſtances of his Majeſty's caſe which he has related to this Committee, and to all the circumſtances of his Majeſty's caſe which have fallen under his obſervation, or come to his knowledge, and notwithſtanding any diſputes which may have taken place between his Majeſty's Phyſicians, or any of them, either relative to his Majeſty's caſe, or other ſubjects, that his Majeſty's chance of recovery is greater, or leſs, than it was, or as good as it was, when Dr. Giſborne was examined here by the former Committee?
The time elapſed is ſhort, and therefore I think the chance as good.
Withdrew.

The Reverend Doctor FRANCIS WILLIS again called in, and examined.

Whether, the ſeveral circumſtances of his Majeſty's caſe, which have fallen within your obſervation, or come to your knowledge, being duly attended to, you, in your conſcience, think that the chance of his Majeſty's recovery is greater, or leſs, than, or as good as, it was when you was examined before the former Committee?
Much greater.

When Dr. Willis ſays, that the chance of his Majeſty's recovery is much greater, does he found his idea that the chance is much greater upon his obſervation that, in his Majeſty's caſe, ſuch circumſtances have occurred as he has uſually obſerved in the caſe of perſons who have laboured under the ſame malady and afterwards recovered?
Certainly. Yes.

Does

Does Dr. Willis conſider his Majeſty's age as making a material difference in the chance of his Majeſty's recovering or not recovering, after duly attending to all the circumſtances of his Majeſty's caſe which have fallen within his obſervation, and come to his knowledge?

I do not judge that the age is of any ſignification, unleſs the patient had been afflicted before with the ſame malady.

Dr. Willis having ſtated to the Committee, that his Majeſty, a fortnight ago, would take up books and could not read a line, but that he will now read ſeveral pages, and make, in his opinion, very good remarks upon the ſubject; Does Dr. Willis's obſervation and experience of what has happened in other caſes, enable him to ſay that ſuch a circumſtance does, or does not, afford him a more ſolid ground of hope of his Majeſty's recovery, than he had when he was examined before the former Committee?

Certainly a more ſolid ground of hope of his Majeſty's recovery.

Is that hope the effect of the Doctor's judgment, formed upon his experience of twenty-ſeven or twenty-eight years?

Certainly.

In the judgment of Dr. Willis, who has ſaid that his Majeſty is very irritable, is his Majeſty more or leſs frequently in an actual ſtate of irritation than he was about the time when Dr. Willis was examined before the former Committee?

Nothing near ſo frequently irritated; and when irritated, the irritation does not laſt a tenth part ſo long.

Has Dr. Willis, in his obſervation and experience, or has he not, remarked, that a change of the ſame nature has uſually taken place in the caſe of patients who have afterwards recovered?—Yes.

Dr. Willis having ſaid, in his examination before the former Committee, that his Majeſty's irritation had then in a great meaſure ſubſided; Did Dr. Willis mean, when he ſo expreſſed himſelf, that the irritation was at that time leſs than it had been when he firſt ſaw his Majeſty? or did he mean to ſuggeſt, that the irritation had then ſubſided in ſuch a degree as to make what Dr. Willis calls firm coercion unneceſſary?

I was at that time in hopes that the irritability would not be ſo great as to require any firm coercion; and perhaps, had there been no bliſters applied to his Majeſty's legs, which had an effect upon his nervous ſyſtem, which I was not aware of, from being told that his Majeſty was ſcarce ſenſible of the bliſters that had been applied at Windſor, there never would have been any occaſion for ſuch coercion; but his Majeſty's bliſters not operating kindly, had a very extraordinary effect, as I thought, upon his whole ſyſtem, and made me ſenſible that we were wrong in applying the bliſters—though perhaps in the end they may not have retarded a cure.—For the ſame medicines that I apprehend had abated his Majeſty's irritability at that time, have been continued ever ſince, except about eight days; and I have reaſon to think has had the intended effect.

Whether, in point of fact, when Dr. Willis was examined before the former Committee, his Majeſty's irritation at that time had in a great meaſure ſubſided?

It had ſubſided greatly, in compariſon to what it was when I firſt came and firſt ſaw his Majeſty, and gave me great hopes that the medicine was given with a proper intention.

What did the medicine, which has had the effect you ſpeak of, conſiſt of?

The Bark and Saline Medicines occaſionally. The Bark ſometimes every four hours, and ſometimes a Saline Draught.

Whether any pills were part of this ſyſtem of medicine?

We thought it neceſſary to give occaſionally, within thoſe eight days, Alterative Pills, with a very trifling part of Calomel.

Whether his Majeſty had not taken Bark before you preſcribed for him?

I underſtood his Majeſty had at Windſor, for one day or two,—but I do not know;—upon enquiry, it was thought his Majeſty was calmer afterwards.

Whether the medicine which you mentioned in your examination before the former Committee, as having been given his Majeſty ſince the Sunday preceding that examination, was, according to the accounts which you had received, underſtood to be different from the medicine which his Majeſty had been in the courſe of taking for ſome time before that Sunday?

Very different, to the beſt of my memory and information—Indeed it was mentioned to me, that it was intended to give his Majeſty that medicine, if they had not expected my coming.

Whether you, when you firſt attended his Majeſty, did not look over the file of preſcriptions made before you came to attend his Majeſty?

I did not, but had a general account from Dr. Warren, as we went down to Kew, what medicines had been given.

Dr. Willis having ſaid, in his examination before the Committee, that he kept a houſe for twenty-eight years for the reception of perſons afflicted with this diſorder; Whether he can give to the Committee an account of the groſs number of perſons entertained in his houſe, from his firſt admitting ſuch patients, to the preſent time?

I can give no account.

If you can give no account at preſent, have you no means, by conſulting your papers, of giving that information to the Committee?

Not any—I have not kept any account at all.

Can you inform the Committee what number of perſons have been diſmiſſed from your houſe as radically cured, from the beginning of your undertaking this buſineſs?

I can give no account; nor have I been confined to one houſe or ten houſes, becauſe I put the patients to ſuch places as ſuited their pecuniary circumſtances.

Having ſaid that this buſineſs was not confined to one, but to many houſes, whether you can give any account upon the whole of the number of perſons radically cured?—Not at all.

If you can give no account to the Committee of the whole number of perſons that have been received at your houſes, and no account of the number of patients that have been diſmiſſed from your houſes as radically cured, upon what ground did you ſay, in your former examination, that you do not think you ſhould ſpeak falſe, if you ſaid, that nine out of ten, of thoſe that had been put under your care, within three months after they had begun to be afflicted with the diſorder, had recovered?

My firſt calculation and obſervation, concerning the numbers cured, was from my remarking that the firſt fifteen were cured; and I had often recollected, upon retroſpection, that ten had gone together, and that

I very

I very rarely miſſed curing any that I had ſo early under my care: I mean radically cured.

Whether, from all the circumſtances Dr. Willis has ſtated, in his anſwers to the preceding queſtions, relative to the actual ſtate of his Majeſty's health, he has reaſon to entertain hopes of his Majeſty's more ſpeedy recovery, than when he was examined before the former Committee?
Yes.

Upon what particular grounds are thoſe hopes founded?
Becauſe every bad ſymptom is abated—and his Majeſty will attend to any ſubject, in a much better manner than I ever hoped he would do within this period of time.

Whether, in thoſe patients, who have been completely cured within five or ſix months, a conſiderable progreſs towards acts of convaleſcence has been generally made within the firſt month?—No.

Has the progreſs now made in his Majeſty's caſe, been as great, or greater, than has been uſually made within the ſame time in ſuch caſes?
I think greater.

In Dr. Willis's anſwer to the ſecond Queſtion put to him when he was laſt examined before this Committee, why has he ſpoken leſs poſitively of the certainty of his Majeſty's cure, as at preſent ſituated, than he would of a patient under the ſame indiſpoſition in his houſe?
On account of his ſtation in life, which requires more attendance, and more perſons to ſee his Majeſty: Alſo, his Majeſty's ideas of who he is, and the feelings that his preſent indiſpoſition may occaſion.

Whether patients labouring under this indiſpoſition, while under Dr. Willis's care, are uſually under ſuch a degree of controul in his preſence, as to influence their converſation and behaviour?
Very frequently.

Whether a perſon, who has not particularly dedicated himſelf to this branch of medicine, is able to form a certain judgment of the ſtate of the mind of a patient ſo afflicted, by ſeeing and converſing with ſuch patient only in the preſence of Dr. Willis, or of any other perſon who has acquired the ſame degree of influence over the patient?
Yes, if they converſe with them for a length of time and frequently.

Dr. Willis having ſaid that he can give no account of the numbers who have been under his care, he is deſired to inform the Committee, as well as he can from memory, what the number may have been?
They certainly amount to many hundreds; I have attended many in Nottinghamſhire and Yorkſhire, who were not in my houſe.

Dr. Willis having ſaid that his firſt 15 patients were cured, and had often recollected, on retroſpection, that 10 had gone together; does he mean to ſay, that he had often recollected one inſtance of 10 going together, or that he had recollected many inſtances of 10 going together?
Several inſtances of 10 going away ſucceſſively.

Does Dr. Willis mean that 10 perſons, who had come ſucceſſively one after another, had all gone away cured, conſequently that no one of thoſe 10 had remained uncured?
I mean that.

From Dr. Willis's obſervations upon his Majeſty ſince his examination before the former Committee, is he confirmed or altered in his opinion, that weighty buſineſs, ſevere exerciſe, too great abſtemiouſneſs, and little reſt, have contributed to occaſion his Majeſty's preſent complaint?

Yes, confirmed.

From whence do you derive this confirmation of your opinion?

From quiet, and the effect of tonic medicines.

Whether thoſe circumſtances which Dr. Willis has particularly mentioned in ſtating the ground of his more favourable hopes of his Majeſty's recovery, have been communicated or known to the other Phyſicians?

I have told the Phyſicians my opinion, and gave my reaſons for it, and have kept nothing a ſecret from them.

Whether the pills you mention to have been given his Majeſty within theſe eight days have been given upon your ſuggeſtion?

Yes.

Whether you recollect if any pill, with a portion of calomel in it, had been given a little before the time of your former examination?

Yes; it was the firſt night I came, I believe it made two pills; and it was thought right that his Majeſty ſhould have a cathartic draught the morning after, in order to prepare him for the bark.

Whether the calomel pills were the medicine which you alluded to, when, in your former examination, you ſay, "that the medicine given "his Majeſty ever ſince Sunday morning, and intended to meet and "counteract the cauſes of his Majeſty's malady, had had as much effect "as you could wiſh?"

The pills and the draught were, as I ſaid before, preparative to his taking the bark, which was the medicine I alluded to.

Whether the bark was given, at the time alluded to, by your ſuggeſtion?——Yes.

Withdrew.

Doctor RICHARD WARREN again called in, and examined.

Dr. Warren deſires the two following queſtions and anſwers to be read; viz.

Q. "Whether Dr. Warren ever ſaw any paper, purporting to be a "copy of this letter ſuppoſed to be written at twelve o'clock at night; "and if he did, by whom the ſame was ſhewn to him?"

A. "I do not recollect that I ever ſaw a paper purporting to be a "copy of it."

Q. "Can Dr. Warren take upon himſelf to ſay, that he never did "ſee any paper purporting to be a copy of the letter ſuppoſed to be "written at twelve o'clock at night?"

A. "No; I do not recollect that I did."

Dr. Warren then ſtated,

Late on Wedneſday night the Committee aſked me, Whether I had not ſeen a copy, or ſomething that purported to be the copy of a letter ſuppoſed to be written by Dr. Willis to Mr. Pitt at twelve o'clock at night, during the debate on the day of the firſt diviſion in the Houſe of Commons. I could not at that time recollect any thing to which I could apply the word

word "copy" but the next morning I recollected, that on my arrival at Kew, the day after I had heard the rumour of ſuch a letter being written, Sir Lucas Pepys informed me, that he had a meſſage for me from the Prince of Wales, who had been at Kew the night before, and had ordered him to deliver the meſſage to me when I ſhould come the next morning. Sir Lucas had taken the meſſage down in writing, from his memory, ſoon after the Prince left him. The meſſage was to deſire me to enquire into the ſtate of his Majeſty's health at a particular time, becauſe the Prince had been informed, that a letter had been written by Dr. Willis, ſtating, that the King was in a very good way at that time, when the Prince had underſtood that he really was not ſo, and then recited other words of the ſuppoſed letter, which I cannot recollect. I do not remember that I took this paper from Sir Lucas. I remember that, in talking about this letter, I made uſe of the word "copy," when I ought rather to have ſaid, that I had only ſeen an account of the letter in writing. The firſt account of ſuch letter being written, I learnt from rumour; the next information that I had of it was from the meſſage delivered to me by Sir Lucas Pepys.

Whether, in conſequence of the meſſage delivered to Dr. Warren by Sir Lucas Pepys, he did, or did not, afterwards inform the Prince of Wales of the enquiry which he had made, with reſpect to the truth of the ſuppoſed fact which was the ſubject of that meſſage, and of the circumſtances which had taken place between Dr. Warren and Dr. Willis, in conſequence of that enquiry?

I did; and the next day, or ſecond day after, I acquainted the Prince that I had done wrong with reſpect to Dr. Willis, as I could not find that any letter had been written by him at the time mentioned; that I muſt retract what I had ſaid to Dr. Willis, and acknowledge my error.—He approved of my intended conduct.

Is Dr. Warren ſtill unable to name any other perſon beſides Sir Lucas Pepys, from whom he received information that Dr. Warren had written the letter in queſtion?

I poſitively declare, that I do not know from whom I firſt heard the report, and I paid very little attention to it till I received the meſſage from Sir Lucas.

Had Dr. Warren, upon his laſt examination, when he ſaid that he did not recollect from whom he received his information, that the letter mentioned in the former queſtion had been written, and ſaid, that the ſubſtance of the ſuppoſed letter had been ſtated to him in general terms, forgotten the circumſtance of the meſſage having been delivered to him from the Prince of Wales by Sir Lucas Pepys upon that ſubject, ſuch as he has now ſtated?

I declare poſitively, from the fatigue of examination, or ſome other circumſtance, I know not what, I could not recollect it; I took pains about it as ſoon as I left the Committee, and, as I was going to Kew the next morning, I gradually made it out, and immediately determined to acquaint the Committee with it as ſoon as I had an opportunity, though I knew it was at the expence of appearing to have concealed the truth the night before.

When did Dr. Warren put in writing what he had thus recollected on his road to Kew?——Soon after I got home yeſterday.

Did Dr. Warren communicate this paper to any body before he read it to the Committee?

I communicated it to my brother this morning; I read it to the Prince of Wales about noon; I read it over with my ſon this afternoon.

Does Dr. Warren underſtand that the Prince of Wales, having heard the ſame report which he (Dr. Warren) had heard before, deſired Dr. Warren through Sir Lucas Pepys, to enquire into theſe contradictory reports, as ſtated in the meſſage delivered by Sir Lucas Pepys?

Yes.

Did the Prince of Wales direct Dr. Warren to take any further meaſure, or to make any communication to any other perſon on the ſubject?

No.—I am not quite ſure whether he did not deſire me to ſpeak to the Chancellor upon it.

Whether Dr. Warren knows, or has any reaſon to believe, that Dr. Willis has ſigned more favourable accounts of the King's health than Dr. Willis believed to be true, though Dr. Warren differed in opinion with him?

I cannot poſſibly tell what Dr. Willis believes.

Queſtion repeated.

I do not know; I cannot aſſign any reaſon to believe it, but that it differs very much from my own way of thinking.

Whether Dr. Warren has received any advice, counſel, or command, from any perſon, to repreſent the King's malady in a worſe condition than he found it?

No.

From whom did Dr. Warren receive directions, and to whom did he conceive himſelf accountable, in his conduct and attendance on his Majeſty, while his Majeſty remained at Windſor, ſince the commencement of his preſent malady?

The Prince of Wales.

Did the Prince of Wales then take upon him to direct that the orders, advice, and regulations of the phyſicians ſhould be duly carried into execution?

Yes.

Whether, ſince the order alluded to, forbidding any perſon to go into the King's room, except introduced by Dr. Willis or his ſon, Dr. Warren has contined to have ſuch means of obſervation and information as are ſufficient to enable him to form an accurate judgment upon the ſtate of his Majeſty's health?——Yes.

Whether Dr. Warren has obſerved any difference in his Majeſty, at ſuch times as he has ſeen and converſed with his Majeſty in the preſence of Dr. Willis or his ſon, and at ſuch times when neither of thoſe gentlemen were preſent?

A very great difference; when Dr. Willis or his ſon are preſent, his Majeſty is under great awe; when they are abſent, he talks and acts very differently.

Since the order alluded to, has Dr. Warren ſeen his Majeſty, except in the preſence of one of the Dr. Willis's?

Yeſterday I deſired Dr. John Willis to retire while I was with his Majeſty, that I might obſerve the difference of his behaviour, and report it to the Committee, if required—Dr. Willis retired accordingly, and his Majeſty immediately held a language very different from that which he uſed while Dr. Willis was preſent.

Was

Was any other perſon in the room beſides Dr. Warren, when Dr. Willis retired?

Two of the pages.

Whether, notwithſtanding the order alluded to, Dr. Warren ſtill continues to think himſelf fully authorized to viſit his Majeſty as often as he ſhall judge neceſſary, without either of the Dr. Willis's being preſent?

I have made it a rule, ever ſince Dr. Willis came, not to go in without aſking the Doctor or his ſon, whether it was a proper time; but I ſhould go in, notwithſtanding that order, if I thought there was a neceſſity for it.

Whether Dr. Warren does not think, that it is in general diſcreet to aſk Dr. Willis or his ſon, whether the time at which Dr. Warren propoſes to go into his Majeſty's room, was a proper time for that purpoſe, ſuppoſing there is no particular neceſſity for acting otherwiſe?

Certainly.

Whether Dr. Warren has ever been preſent with his Majeſty, when he has entertained himſelf with reading?

Yes.

Has it been for any conſiderable ſpace of time, and upon a ſubject which would require much thinking?

I have never ſeen him read more than a line and a half at a time.

Has that been lately?

The third time from hence that I was there—on Sunday laſt, I think.

Whether Dr. Warren thinks that the King's malady is leſs at thoſe times of reading than at any other times?

His manner of reading, when I have been preſent, is a ſtrong proof of the exiſtence of his malady.

Whether or no, the patient ſuffering any writings or diſcourſes to be read without interruption, by perſons who have acquired any influence over him, appears to Dr. Warren to be any ſymptom of convaleſcence?

No.

Whether or no, ſince the commencement of the King's malady, the Phyſicians have employed whatever ſuccours the rules of their art, or their experience, have ſuggeſted to them towards his recovery?

Yes.

Whether or no there are not certain diſtempers ſupervening on the original malady, ſuch as fever, which are ſometimes known to aid in the cure of this diſtemper?

Yes.

Whether any fever has come upon his Majeſty ſince the commencement of his malady?

Yes.

Has the diſorder abated, in any remarkable manner, in conſequence of that fever?

No.

Has not his Majeſty had frequent and refreſhing ſleep from time to time?

Yes.

Has

Has not that been known to be of ſovereign uſe in the cure of this malady?

A perſon ſick in this manner is not likely to get well without ſleep; but he may frequently have refreſhing ſleep without advancing in his cure.

How has it been in this caſe?

Sleep has produced no advancement towards the cure.

Has any rational mode of controul and coercion been omitted?

Not that I know of, ſince his Majeſty came to Kew.

Whether any progreſs towards a cure has been obſerved in conſequence of this controul?——No.

What was the method which the Phyſicians meant to purſue, in the medical treatment of his Majeſty, immediately previous to the arrival of Dr. Willis?

The method that we had ſettled to purſue, was that of endeavouring to reſtore his Majeſty to the beſt bodily health we could; to make his conſtitution, if we poſſibly could, ſuch a one as a healthy man has at fifty.—We attempted to give his Majeſty the bark twice, I believe at Windſor, but ſome circumſtance ariſing, either from fever, or ſome other cauſe, prevented our going on with it.—It was determined, I think, juſt before Dr. Willis came, that the bark ſhould be attempted again; but it was poſtponed till the arrival of Dr. Willis, that we might talk with him upon the ſubject.—I carried Dr. Willis to Kew in my chaiſe, and gave him an account of his Majeſty's mode of living, former habits, and preſent diſeaſe.—He agreed with me, that an endeavour to reſtore the conſtitution by the bark, and occaſionally adding ſome other medicines, which we diſcourſed about, was the moſt likely way to reſtore his Majeſty's health again.—His Majeſty was immediately put under this courſe.

Is Dr. Warren quite ſure that the return of the uſe of the bark, after Dr. Willis's arrival, did not happen on the ſuggeſtion of Dr. Willis?

It did not happen on the ſuggeſtion of Dr. Willis.

Whether the medicines juſt ſtated by Dr. Warren to have been uſed during the period immediately preceding Dr. Willis's arrival, were not of the claſs called Tonics?

I think they were not; but medicines preparatory to the uſe of the bark.

Whether tonics had not been uſed a ſhort time previous to Dr. Willis's arrival?

I do not recollect any tonic but bark.

Whether the bark itſelf is not of that claſs of medicines called tonic?

It is.

What new medicines, not in the previous intentions of the Phyſicians, were ſuggeſted by him, previous to the time of his examination before the former Committee?

One of the firſt things he propoſed was calomel.

What benefits were had from the calomel?

None, with reſpect to the main complaint.

Whether or no there has not been frequent returns of irritation, ſince the time of Dr. Willis's attendance on the King?——Yes.

Were the returns of these irritations owing to the use of blisters?

Dr. Willis was of opinion, and declared, that he never knew blisters applied to the legs of such a patient without benefit: the blisters were applied, and, contrary to what happened when blisters were applied before, produced much soreness and pain. The pain undoubtedly made his Majesty much more unquiet, increased the necessity of coercion, but did not appear to me to increase or diminish the grand malady.

Whether or no Dr. Willis consented to the putting on of these blisters, upon a representation, that the King, when at Windsor, had been hardly sensible of pain from them?

That circumstance was mentioned to Dr. Willis, but I could not think it his motive for consenting to the putting on of the blisters, because he frequently talked of the great benefit that persons, afflicted like his Majesty, usually received from blisters, and mentioned, if I mistake not, his having cured a person by the application of several blisters at once.

Then there was no persuasion used to induce Dr. Willis to consent to the use of blisters?——No.

At what time, to the best of Dr. Warren's recollection, were these blisters used?

I believe something more than three weeks ago.

Has there been any irritation since the blistered parts have been healed?

I am not quite sure that they are healed now, but certainly very near it.

Whether or no Dr. Warren has got the account respecting the proportion of persons cured, who had been afflicted with the disorder about the age of fifty?

I have not got it—I will endeavour to get it before the Committee breaks up, if I possibly can.

Whether Dr. Warren, in the difference of opinion which he had with Dr. Willis on Friday the 2d instant, told Dr. Willis that he should think no person better, till they were perfectly well, under such an indisposition?

No.

Do you recollect Dr. Willis's asking you, whether, if a person so indisposed should not say one sensible word in twenty-four hours, and the next twenty-four say but one word, that he would not say if he was not indisposed, whether he would not think him better?—and, if such a question was put, did you answer to this, "No?"

I don't recollect that that question was so put, therefore can say nothing as to the answer.

Do you recollect giving any opinion upon that subject, and what was it?

I stated to the Doctor my rule of determining whether persons so indisposed had amended, which I mentioned in the former part of my examination, and the opinion I gave on recovery was founded on that rule. I remember that the doctrine of recovery, as derived from what happens in a fever, was declared by me, in contradiction to Dr. Willis, as inapplicable to the disorder in question.

Did you ever inform Dr. Willis, that it was usual for Physicians to sign their names to statements of facts, which they are not sure are true and correct, for the sake of agreement?

No, nor to that effect.

Did

Did you ever inform Dr. Willis, that in ſuch matters the opinion of one ſhould give way to the other two, and that you was ſurprized he ſhould heſitate about it?

No.

Did you ever endeavour, by any vehement argument or diſpute, to induce Dr. Willis to ſign his name to any account reſpecting the King's ſtate, contrary to his opinion?

I have endeavoured by debate, but not by vehement argument, to bring the Doctor over to my opinion, but never to perſuade him to act contrary to his own.

Do you conſider yourſelf as reſponſible in your character to the public, for the truth of the account ſent to St. James's, provided you ſign your name?

Yes, provided you do not mean the whole truth.

Should you not conſider the ſigning your name to any ſuch account of the King's health, tending to deceive the public into a leſs favourable opinion of his Majeſty's ſtate than the fact warranted, in the ſame point of view as giving information tending to miſlead this Committee?

Yes.

If there has been any error or imperfection in the accounts ſent to St. James's, has it, in your opinion, conſiſted in repreſenting the King's ſtate worſe than it is?

No.

When did Dr. Warren ſee his Majeſty laſt?

Yeſterday.

In what ſtate did you then leave him?

No better than ſince the commencement of the diſorder.

Whether, Dr. Warren, having ſaid, in anſwer to a queſtion put to him by this Committee, that his hopes of his Majeſty's recovery ſtand upon the ſame foundation as they did when he was examined before, excepting that a little more time has paſſed, which does not add to his hopes, but is ſo little that it hardly ought to ſubtract from them—that is Dr. Warren's opinion, after attending duly to all the circumſtances which have been ſtated in his examination now relative to ſupervening fever, the enjoyment of ſleep, the uſe of coercion and controul, the frequent returns of irritation, the effect of bliſters, the differences of opinion between the Phyſicians, and all other circumſtances in his Majeſty's caſe, which have come to the knowledge, or fallen within the obſervation, of Dr. Warren?

Yes.

Whether or no, in fact, there has exiſted a difference of opinion reſpecting the treatment of his Majeſty's diſorder?

There has been no difference of opinion with reſpect to his medicines and diet.

Whether Dr. Warren has ever known a caſe of ſo long difficulty and continuance, and where ſo many Phyſicians have attended, where there was leſs difference of opinion?

No, with reſpect to medicines and diet.

Whether

Whether Dr. Warren thinks that the difference of opinion, reſpecting the ſigns of convaleſcence, has tended to forward, or retard, the cure, or to alter the mode of treatment?

It has neither forwarded nor retarded the cure, nor altered the mode of treatment.

Whether Dr. Warren, from the beginning, has grounded his hopes of his Majeſty's recovery, upon the ſymptoms he has obſerved in his Majeſty's caſe, or on calculations of the proportionate numbers cured to the perſons affected with this malady?

On the calculations.

Whether there has been any difference of opinion among the Phyſicians attending his Majeſty, on any point, ſince the commencement of his Majeſty's diſorder?

Not with reſpect to medicine and diet. Some difference of opinion at Windſor, whether his Majeſty was not going to recover, about the end of his fever.

As Dr. Warren ſtated that he believes he is correct in his account of the words uſed by Dr. Willis, viz. "A certain Great Perſon will not ſuffer it "to go ſo, and it will fall upon you," and thought the converſation material enough to put down a memorandum of it as ſoon as he returned home: can he ſtate how long it was after he left Kew before he got home?

I left Kew about twelve, I believe, and got home about ſix.

Did Dr. Warren go ſtraight home?

No, I went about my buſineſs.

Whether Dr. Warren mentioned the particulars of the converſation to any body before he put them down in his memorandum?

I did.

Withdrew.

Sabbati, 10° die Januarii, 1789.

The Reverend Doctor FRANCIS WILLIS again called in, and examined.

DID Dr. Willis, when he ſpoke yeſterday concerning the medicines which had been given to his Majeſty between the time of his former examination and the Sunday preceding, mean to take upon himſelf to ſay poſitively, either that thoſe medicines had, or that they had not, been previouſly thought of by the other Phyſicians attending his Majeſty?

I think I ſaid that they had been thought of.

Do you mean to take upon yourſelf to ſay, that of your own knowledge, and in your own preſence, his Majeſty has, within the laſt fortnight, read ſeveral pages of books, making at the ſame time what were, in your opinion, good remarks upon the ſubject of them?

Yes.

Whether, according to the obſervations which your experience has enabled you to make in caſes ſuch as that of his Majeſty, the patient's reading or ſuffering books to be read, in the manner in which his Majeſty has done within this laſt fortnight, is, or is not, a circumſtance which has, in point of fact, happened where the patient has finally recovered?

Yes, certainly, in ſeveral caſes, and it is more particularly favourable in his Majeſty's, as, within the ſpace of fourteen days, or thereabouts, his Majeſty could not attend to read at all.

Whether your obſervation upon caſes in which recovery has been obtained, induces you to conſider the circumſtance of a patient having, from time to time, refreſhing ſleep, as forming a ſolid ground of hope for recovery?

It is neceſſary to know the ſleep that the patient formerly had required, to make the compariſon of any effect.

Whether, from the accounts which you have received of the ſleep which his Majeſty formerly uſually had, and comparing the reſult of ſuch accounts with the refreſhing ſleep which his Majeſty has had, your obſervations and experience enables you to determine one way or the other, whether the circumſtance of his Majeſty's having had ſuch ſleep, is a ground to hope for recovery?

By comparing the ſleep his Majeſty, I am told, formerly had, even after great fatigue, I am inclined to think that his Majeſty has, for theſe laſt ſix or ſeven nights, had more ſleep than one could expect from a perſon who has been uſed to ſo much exerciſe, and has not been able of late to uſe any.

Whether his Majeſty is, within the laſt fortnight, more or leſs quiet than he was previous to the time when you was examined before the former Committee?

I cannot remember it; but there is a prodigious difference indeed.

Whether, judging from actual experience, and from what has occurred in the caſe of perſons who have recovered from this malady, you think that ſuch alteration, as you mention in your anſwer to the laſt queſtion, affords a ſolid ground of hope that his Majeſty will recover?

Yes, very ſolid grounds; for indeed I do not think his Majeſty has one ſymptom that ever attended an incurable. I mean, that he may have ſymptoms that incurables have, but he has not ſymptoms that mark an incurable.

Can you, from your experience, ſay whether his Majeſty has any ſymptoms that are never obſerved in incurables?

I cannot ſay.

Dr. Addington having ſaid, in his examination before the former Committee, that he had great expectations that his Majeſty's diſorder would end happily, from this circumſtance, "That it had not for its forerunner "that melancholy which uſually precedes a tedious illneſs of this ſort," does Dr. Willis, judging from facts and experience, concur with Dr. Addington in thoſe expectations?

Entirely.

Whether Dr. Willis and his ſon have not, in point of fact, a greater influence and controul over his Majeſty than any other of the Phyſicians who attend him?

Certainly, much more ſo.

Whether Dr. Willis, judging from facts and experience, does, or does not, think it abſolutely neceſſary, in order to bring about the cure of his Majeſty, that ſome perſon attending his Majeſty conſtantly ſhould have and exert that degree of influence and controul?

Moſt certainly.

Whether Dr. Willis, judging from facts and experience, can ſay, that ſuch irritations as his Majeſty may have, when viſited by perſons in the abſence of thoſe that have this degree of influence and controul, may, or may not, retard his Majeſty's recovery?——It certainly may retard it.

Whether that effect muſt not depend on the conduct of thoſe perſons who viſit his Majeſty in the abſence of Dr. Willis?

On their conduct, if his Majeſty ſees them frequently in the day; but if only once in two or three days, it will diſturb his Majeſty, by creating freſh ideas?

Whether Dr. Willis is of opinion, that the other Phyſicians who attend his Majeſty, viſiting his Majeſty in the manner they have done ſince Dr. Willis attended on his Majeſty, can have the effect of producing that irritation, which Dr. Willis has ſaid may retard his Majeſty's recovery?

I have thought that it frequently has had that effect.

Whether, ſuppoſing that Dr. Willis attended one perſon in the manner in which he now attends his Majeſty, and had the care of another perſon, of whoſe caſe he ſhould receive accounts only every other morning, he thinks he could promote the cure of his Majeſty and ſuch other perſon in an equal degree?

The other perſon would not have other people to viſit him, and conſequently to diſturb him, and that therefore might poſſibly balance the advantage of my ſeeing his Majeſty every day, or every hour of the day.

Whether you have reaſon to believe, that, in point of fact, any viſit of any Phyſician to his Majeſty has waked his Majeſty while he was ſleeping, or prevented his Majeſty from going to ſleep?

I believe it has happened, once in particular, his being prevented from going to ſleep.

What Phyſician was it?——It was Dr. Warren.

What circumſtances formed the ground of Dr. Willis's belief, that the viſit which he has referred to did prevent his Majeſty from going to ſleep?

The pages in waiting, and the attendants, aſſured me, that his Majeſty was going to ſleep; by obſervations I ſuppoſed they judged; from his manner of dropping his voice and breathing.

Whether, previous to Friday laſt, Dr. Warren and the other Phyſicians had not uſually conſulted you about the propriety of their going into his Majeſty's room at the particular time when they propoſed to go in?

Sometimes they have, and ſometimes they have not.

At the time you was informed that his Majeſty had been prevented from going to ſleep, did Dr. Warren conſult you or your ſon about the propriety of his going into his Majeſty's room at that time?

I told the Doctor I thought it was improper at that time, becauſe his Majeſty had had a very bad night, and had had juſt then half an hour's ſleep, and the pages thought he was juſt falling to ſleep again.

Whether his Majeſty's ſtate at that time was ſuch as, in your judgment, to create any particular neceſſity for Dr. Warren's going into his Majeſty's room, after you had ſtated to him what you have mentioned in the foregoing anſwer?

I know of none—as coercion ſeemed to be the only thing neceſſary if his Majeſty could not reſt.

Whether you ſtated to Dr. Warren the objection before mentioned?—Whether you can recollect what anſwer Dr. Warren gave you?

When Dr. Warren went into the pages room, Mr. Braund, or Mr. Compton, the pages, deſired Dr. Warren not to go in, in my preſence; and he ſaid to them, as he had done to me, that he muſt go in, for he was a ſpy upon them all.

Are you poſitive that Dr. Warren gave that anſwer?

I am very poſitive.

Are you poſitively ſure that thoſe were the very words which Dr. Warren made uſe of, or do you only mean to ſtate the effect and ſubſtance of Dr. Warren's words on that occaſion?

The very words, which the pages have mentioned many times ſince.

Will you inform the Committee upon what day this converſation paſſed?

I cannot ſay, but it is down in a journal.

When did you put this down in the journal?——That day.

Did you ſhew that part of the journal which contains the account of this matter to the two pages that you have mentioned, or either of them?

I have not.

Whether you mean to admit and avow that you have ſigned reports of his Majeſty's ſtate of health, propoſed to be ſent to St. James's, which contained leſs favourable accounts of his Majeſty's health, than you think might have been given to the public, if the whole truth had been told them?

To be ſure I have ſigned ſuch as I would not have ſent to any relation of a patient that I was concerned for in the like ſituation.

Would the accounts, which you would have ſent to the relations of other patients, have been more or leſs favourable accounts than thoſe which have been ſent to St. James's?—— More favourable, in general.

Would it have been conſiſtent with the whole truth, in his Majeſty's caſe, to have given more favourable accounts in general?

In my opinion, more conſiſtent.

Will you ſtate to the Committee, what were your motives for giving leſs favourable accounts than might have been given in general, conſiſtent with the whole truth?

As it did not affect his Majeſty's health, or the cure of his Majeſty, I ſigned them rather than have any diſpute about words.

Do you mean to aſſert, that in your conſcience you are fully perſuaded that you now ſpeak the truth, when you ſay, that more favourable accounts

of

of his Majeſty's ſtate might have been given, in general, in the reports ſent to St. James's?

I do aſſert it.

Whether you ever ſigned any paper, at the requeſt of Dr. Warren, relative to the tranſaction of that day, in which you have been informed that Dr. Warren had prevented his Majeſty from ſleeping?

I did ſign a paper by the deſire of Dr. Warren, and the perſuaſion of Sir Lucas Pepys, that Dr. Warren, as far as I knew, did not go into the room and wake his Majeſty.—But I did not ſign any paper, ſignifying that he did not go in at any time, when it was thought he might prevent his Majeſty's ſleeping.

Whether, at the time that you gave this paper to Dr. Warren, you informed Dr. Warren that you would not ſign any paper, acknowledging that Dr. Warren had not prevented his Majeſty from going to ſleep, but that you would only ſign a paper, ſtating that Dr. Warren had not waked his Majeſty?

The paper was offered to me, and I refuſed to ſign it, if it contained any thing to the purpoſe, that Dr. Warren did not go into his Majeſty's room at a time when it was probable he might prevent his Majeſty going to ſleep.

By whom was that paper drawn up and tendered to you?

By Dr. Sir Lucas Pepys.

Are accounts, uſually ſent by you to the relations of your patients, conceived in as general terms as thoſe which have been ſent to St. James's?

I ſend the relations word that they are better, or worſe; and mention ſome particulars—but then that is not often above once a fortnight.

Can you recollect, poſitively, whether in the converſation which you had with Dr. Warren yeſterday ſevennight, you did, or did not, aſk Dr. Warren, if a perſon indiſpoſed ſhould not ſay one ſenſible word in twenty-four hours, and the next twenty-four ſhould ſay but one word, that he would not ſay, if he was not indiſpoſed, whether Dr. Warren would not think him better; and whether you can, or cannot, ſay poſitively, that Dr. Warren anſwered, No?

I can ſay poſitively, as well as I can recollect, that Dr. Warren ſaid No, to the queſtion ſo put; and I believe the byſtanders remember the ſame.

Whether, in the ſame converſation, you can, or cannot, ſay poſitively, whether you did, or did not, make uſe of the following expreſſion to Dr. Warren, "A certain Great Perſon will not ſuffer it" (meaning the report) "to go ſo, and it will fall upon you?"

It was not in the ſame room, or at the ſame time.—I did ſay ſo, or ſomething of that ſort, when the report was drawn up for me to ſign, ſaying, at the ſame time, "Why ſhould we ſend up what will be ſent down "to be altered?"

Will you explain to the Committee by whoſe authority you ſo ſaid, and what your meaning was in thoſe words?

Preſuming that the Perſonage would know from the pages how his Majeſty had paſſed the day and night, I thought it was not right to ſend up a report which that Perſonage would not think equal to his Majeſty's preſent ſtate of health.

Was

Was that your meaning in the words which you actually uſed in that converſation?——Entirely ſo.

What did you mean by the words, "It will fall upon you?"

Sir George Baker, the day before, when his Majeſty had not been quite ſo well, nor had ſo good a night, had made a more favourable report, and therefore I concluded that Perſonage muſt think this report aroſe from Dr. Warren.

Did Dr. Warren ever inform you, that he had made a written memorandum of that converſation, or of any part of it, or deſire you to explain yourſelf upon the ſubject of it?

Not that I know of—I do not remember any ſuch thing.

Do you remember any order having been put up in the pages room, yeſterday ſevennight, or upon any other day, directing that no perſons ſhould be admitted into his Majeſty's room, without the knowledge of you or your ſon?——I wrote it, and put it up myſelf.

What was the reaſon of your writing, and putting up, ſuch order?

Becauſe ſometimes a Phyſician, ſometimes a Surgeon, or an Apothecary (for there are four concerned—I mean two Surgeons, and two Apothecaries) did go into the room, as I thought, at improper times, and diſturb his Majeſty;—and, as I thought it my duty to do to his Majeſty what I ſhould think it my duty to do for any private gentleman, I wrote that order.

Did you put up that order of your own authority, and for the reaſons you have now mentioned; or had you any other authority for putting up that order, from any perſon, and whom?

The Lord Chancellor ordered me to do that which ſhould prevent any body's going into the room without my conſent, and was not pleaſed that I had not done it before.

Had you explained to the Chancellor your reaſons for thinking that it would be proper, with reſpect to his Majeſty's health, that ſuch an order ſhould be given?

I ſuppoſe I did, in converſation, think it neceſſary that people ſhould be prevented from going in and diſturbing his Majeſty.

Have any of the Phyſicians, who attended his Majeſty, ſuggeſted any complaints to you, that ſuch order has prevented them from ſeeing his Majeſty at proper times?——I do not remember that they have.

Have any other perſons ſuggeſted to you, that they have been prevented from ſeeing his Majeſty?——I do not remember that they have.

Did you ever inform the Phyſicians, that any perſons had improperly intruded into his Majeſty's apartment?——I do not remember that I did.

When did the Lord Chancellor give you the directions, in conſequence of which you put up that paper?

I really do not remember the time; but, more than once, the Chancellor has mentioned the neceſſity of keeping any perſons from going into his Majeſty's room, without ſome limitation.

Do you know upon what grounds the Chancellor thought it neceſſary to repeat the neceſſity of this precaution?

I cannot remember; it was in converſation, I ſuppoſe.

Are you quite ſure you cannot recollect when, or where, you had the laſt converſation with the Chancellor on this ſubject, before you put up that order?

I am very ſure I cannot fix the time, but I believe the place was my own room at Kew.

Was it before, or after, the diſpute with Dr. Warren, on Friday the 2nd inſtant?

I believe before. I do not know that I have ſeen the Chancellor ſince Friday the 2nd inſtant.

Was it a day or two before, or long before?

I do not remember at all; nor do I remember whether it was the laſt time I talked with the Chancellor.

Have you any memorandum, relative to this fact, in your journal?

Yes.

When did you make that memorandum?

The very morning, within a quarter of an hour.

On what day was it that you wrote and put up that order?

I do not know. I believe the order itſelf is dated, but I am not ſure.—The journal will aſcertain the date.

Have you kept a regular journal of occurrences ſince you attended his Majeſty at Kew?

I have, from about the 6th or 7th day, I believe, of my attendance.

Is that order up now?

I believe ſo. Sir Lucas Pepys ſaid he ſaw it yeſterday morning.

When his Majeſty read a page or two, and made very good remarks upon it, whether the books and the pages were of his Majeſty's own ſelection, or whether they were put into his hands and pointed out by you?

Particularly by his own ſelection.

Whether, at the time, his Majeſty read the pages aloud, to be heard by Dr. Willis, or to himſelf?

Aloud; nor could I know, if he did not read aloud.

Whether his Majeſty has done this once, twice, or ſeveral times?

Many times in a day, as I underſtand; and on more days than one in the laſt ſix or ſeven days. I have now been abſent a great part of ſeveral days.

Can you remember the laſt time you heard his Majeſty read one or two pages?——Laſt night he did.

Did you hear him yourſelf laſt night?——Yes.

Whether you have obſerved, in your attendance on his Majeſty, that his eye-ſight is at all affected by his preſent malady?

Not that I know of.

Whether, when you or your ſon was not preſent, have you been informed by any of the King's Phyſicians, Surgeons, or Apothecaries, that his Majeſty has read with attention, and remarked with judgment, upon the objects which he had read?

I think I have heard ſo by Dr. Pepys; but I think I have heard from ſeveral perſons that they have, at times.

What

What ſtate was his Majeſty in this morning?
I came away before he was up.

What ſtate was his Majeſty in going to bed laſt night?
Very quiet.

Whether his Majeſty continued, to the time of his going to bed, to ſhew ſigns of the ſame attention and power of reflection, as in the inſtance of reading in the manner mentioned by you?
Yes, to the time I left him, which was about half paſt ten; and I underſtand from the pages, that he went to bed immediately after.

Whether any thing of a contrary nature was intermixed, during the time you was with his Majeſty yeſterday evening?
I cannot ſay there did.

Whether you obſerve that the King's mind is in a better ſtate in the evening before he goes to bed, or in the morning?
I think his Majeſty is never ſo well in a morning getting up, nor for an hour afterwards.

How long was you with his Majeſty yeſterday evening?
I believe, in all, about one hour and a half; but I went ſeveral times out of the room.

Whether any other Phyſician or medical perſon has been in the room when his Majeſty has either read, or attended to reading in your preſence?
I think Dr. Pepys was twice; I am not ſure whether there was any other; I am not ſure whether Dr. Gilborne was in the room laſt night, while his Majeſty was reading.

Whether at any, and at what, diſtance of time after his Majeſty has read, or attended to reading, in the manner deſcribed, his Majeſty has converſed with you on the ſubjects he has either read or heard read?
Very frequently, ſometimes ſeveral hours; for I believe his Majeſty never forgets what he reads.

Whether, on any ſubſequent day, his Majeſty has converſed with you upon what has been before read?
Several days after, and I think his Majeſty can give a good account of any book, or ſubject in a book, that he has read, either ſince his illneſs or before, as to the morality and truth of it, as moſt people can, I think.

Whether you have found it neceſſary to uſe coercion more or leſs frequently within the laſt fortnight, than you did in the preceding fortnight?
Much leſs frequently, and not now for nearly a week.

Are you, upon recollection, ſure of this fact?
I am ſure of it.

Whether the circumſtance of his Majeſty's having read, and attended to reading as above ſtated, is, in your opinion, a clear and deciſive ſymptom either of convaleſcence actually approaching, or of a very ſpeedy recovery?
I look upon it at the time as convaleſcence itſelf, and certainly a ſign of his Majeſty's recovery; but I will not pretend to ſay how ſoon.

What

What do you conſider as convaleſcence?
Acting properly upon the buſineſs you are engaged in.

Whether the refreſhing ſleep his Majeſty has had, has been natural ſleep, or ſleep procured by medicine or other means?
No medicine has been ordered for the purpoſe, and no means but that of having his Majeſty go to bed as quietly as you can?

Whether any other Phyſician attending his Majeſty has ever ſuggeſted to you the idea of pleaſing or diſpleaſing any Great Perſonage, as a motive to induce you to ſign any report of his Majeſty's health, more or leſs favourable than the actual circumſtances then warranted in your opinion?
I know not of any ſuch.

Whether, during the favourable intervals in which you have obſerved his Majeſty, you have remarked that his Majeſty had reflected upon the nature of his illneſs?
At ſometimes I think he has, but rather ſeems to avoid hinting any thing of it.
Have you obſerved that it has depreſſed his ſpirits, ſo as to retard his cure?
I cannot ſuppoſe that it has retarded his cure or depreſſed his ſpirits, for I am not ſure that he is ſenſible of it—He only hinted at it.

Are you ſure his Majeſty will recover?
It would be preſumptuous for any man to ſay he was ſure, in the caſe of any one whatever, or in any diſorder.

What degree of confidence or hope have you upon the ſubject?
I have the greateſt hopes, from what I have already ſeen of his Majeſty's amendment.

Have you any doubt of his recovery?
I muſt doubt of every thing that has not come to paſs.

Is your confidence ſuch as to ſay you ſcarcely entertain a doubt?
It is.

Then that is now the ſtate of your mind upon that ſubject?
I have already ſaid ſo.

In anſwer to a queſtion before put to you, "Whether, the ſeveral circumſtances of his Majeſty's caſe, which have fallen under your obſervation or come to your knowledge, being duly attended to, you in your conſcience think that the chance of his Majeſty's recovery is greater, or leſs, or as good, as it was when you was examined before the former Committee?" whether you remember having anſwered "Much greater?"
I did ſay ſo, and I ſay ſo ſtill.

Whether you recollect this queſtion being put to you by the former Committee, and your anſwer upon it,
"What hopes has Dr. Willis of his Majeſty's recovery?"
"I have great hopes of his Majeſty's recovery. If it were any other perſon but his Majeſty, I ſhould ſcarce entertain a doubt: when his Majeſty reflects upon an illneſs of this kind, it may depreſs his ſpirits, and retard his cure more than a common perſon?"
I do.

Dr. Willis having, in his former examination, declared his hopes of his

Majeſty's recovery to be ſuch, that if his Majeſty was a common perſon, he ſhould ſcarce entertain a doubt; but that his Majeſty's reflecting upon an illneſs of that kind might depreſs his ſpirits, and retard his cure more than a common perſon;—and Dr. Willis having now ſtated to the Committee, that he has no reaſon to think that his Majeſty's ſpirits have been depreſſed, or his cure retarded, by his having reflected upon his illneſs, or that he has ſo reflected; and having ſtated alſo to this Committee, that he has, in his conſcience, hopes of his Majeſty's recovery, much greater than he had when he was examined before the former Committee; Dr. Willis is deſired to ſay, what that confidence is, which is much greater, with reſpect to his Majeſty's recovery, than a ſtate of mind which ſcarcely entertains a doubt?

As in the caſe of a common patient, the ſymptoms are greatly abated, and therefore greater hopes of his recovery. As to his particular ſtation in life, from my knowledge of his Majeſty's ſenſe of religion, I have greater hopes that he will, with a proper reſignation, reflect upon what it has pleaſed God to have afflicted him with.

Then do you mean that the Committee ſhould underſtand that your apprehenſions, with reſpect to the conſequences of his Majeſty's reflecting upon his illneſs, are not the ſame as when you was examined before the former Committee?——They are not ſo great for the reaſon I have given.

Whether Dr. Reynolds was not by at the converſation between you and Dr. Warren, in which you uſed the words, "it will fall upon you?"

Poſſibly he might, I believe he was.

Did Dr. Reynolds join in the objection made by Dr. Warren to the propoſed alteration in the report which was then in queſtion?

Dr. Reynolds ſaid nothing, and I have been uſed a good deal to ſtand alone in that ſort of conſultation.

Did you hear from Dr. Reynolds at that time, or afterwards, that Dr. Reynolds did agree to the alteration propoſed?

I do not remember any thing of it.

Withdrew.

Lunæ, 12° die Januarii, 1789.

The Reverend Dr. FRANCIS WILLIS again called in, and examined.

WHETHER, when you ſigned accounts, at the deſire of Dr. Warren, and by the perſuaſion of Sir Lucas Pepys, leſs favourable than the circumſtances of the King's health would have warranted, you thought that difference to be a mere diſpute about words?

I ſigned no account, that I know of, by Sir Lucas Pepys' perſuaſion—that I ſigned by his perſuaſion was, that Dr. Warren had not waked his Majeſty.

Whether you did at any time, or at any perſon's deſire or perſuaſion, ſign reports leſs favourable than the truth would have warranted, concerning the ſtate of his Majeſty's health?

Not by any perſuaſion, that I know of, but in my own mind, rather than have any diſpute about it.

Was it to prevent a diſpute originally, or to put an end to the continuance of a diſpute?

As

As it did not at all reſpect his Majeſty's cure, and we had had diſputes about words before, and I did not then think it worth while to have any for the future.

Do you think that the truth or falſehood of a report ſigned by the King's Phyſicians, for the information of his ſubjects, to be of no more conſequence than a diſpute about words?

It really ſtruck me ſo then, and I am not at all affected with it now.

Whether or no you have not given to her Majeſty, and to the ladies who have the honour to be about her perſon, more exact accounts, according to your opinion, and of a more conſolatory nature?

I have always given them the truth, to the beſt of my opinion,

Whether thoſe accounts were in fact of a more favourable nature?

The report that was made to the public, is from the appearance of his Majeſty in the morning, when the ſymptoms have ever been leſs favourable; the accounts to the ladies attending her Majeſty have been frequently in the day, and therefore, taking the whole account of the 24 hours, it muſt appear much more favourable.

Is it true, that the report ſent to St. James's does only include the ſtate of his Majeſty's health as it appears in the morning, and does not extend to the night and the preceding evening and day?

It enters into no particulars of any, except quiet or diſturbed ſtate, and ſleep—and that in ſtating the whole together, it cannot be ſo particular as thoſe given to her Majeſty every hour concerning his Majeſty's health, which ſhe muſt be very anxious to enquire after.

Queſtion repeated.

I think ſeveral times the report might have ſaid, that his Majeſty had paſſed ſeveral hours, the preceding day, in many reſpects better than he had done the day before. As far as quiet, or not quiet, the account does include what paſſed in the preceding evening and day—it would not be particular enough to ſatisfy me whether he was either better or worſe.

Whether, taken as a general report, without entering into particulars, it is more or leſs favourable to the ſtate of the King's health than the truth would warrant?

To the beſt of my judgment leſs favourable.

Is it then leſs favourable than the general reſult which might be drawn from all the circumſtances of the different accounts which you give to the ladies attending her Majeſty?

Yes, I think it is.

On what occaſion, and for what purpoſe, did you ſign the certificate relative to the tranſaction of that day, in which you was informed that Dr. Warren had prevented his Majeſty from ſleeping?

A good-natured purpoſe, and on the paper being offered me to ſign, and being aſſured that it would hurt Dr. Warren's character if I did not.

At the time of ſigning that certificate, did you explain to Dr Warren, or Sir Lucas Pepys, or to any other perſon then preſent, the diſtinction and reſervation which you have now mentioned to this Committee?

Yes, very particularly to both Dr. Warren and Sir Lucas Pepys.—Whether any body elſe was by I do not remember.

Whether you called in any of the Phyſicians attending on his Majeſty, or the Surgeons or Apothecaries, or any other perſons than thoſe of your own family and the pages, to be witneſs of the circumſtances which you have deſcribed as appearing on Friday evening laſt?
I did not.

Whether your purpoſe in excluding any perſon from coming to his Majeſty, except by your own permiſſion, does not ariſe from an apprehenſion that the appearance of ſuch perſons might excite troubleſome emotions?
Very certainly.

Whether you have ever conſulted the regiſters of public hoſpitals, or other houſes for the reception of patients labouring under this malady?
I never did. Hoſpitals take in patients, and call them thus indiſpoſed. Numbers of them have been ſo indiſpoſed for years, perhaps, and do not give you any account of the particular ſymptoms of the malady when taken into the hoſpital.

As Dr. Willis has ſaid, that the circumſtance of perſons going into his Majeſty's room may excite troubleſome emotions; whether his experience enables him to ſay that ſuch emotions do, or do not, in general caſes, retard the cure of the patient?
In my opinion, very much.

Will you inform the Committee, whether, after duly attending to every circumſtance which you have related to the Committee, and all other circumſtances which have fallen under your obſervation, or have come to your knowledge, reſpecting his Majeſty's caſe, and judging from facts and experience derived from your own practice, you have, or have not, greater hopes of his Majeſty's recovery than when you was examined before the former Committee?
Much greater hopes.

Whether the ſtate of the weather, or the ſeaſon of the year, has any effect upon patients labouring under this diſorder?
The ſtate of the weather, preventing his Majeſty from taking exerciſe, and keeping up a proper perſpiration, in my opinion, has had a tendency to retard his Majeſty's recovery.

Has his Majeſty taken any exerciſe from the time of your attendance on him?
None, for about a month before that time; I think he walked out twice.

Withdrew.

Doctor GISBORNE again called in, and examined.

Was you at Kew on Friday night laſt?—Yes.

Whether you ſaw the King in the courſe of that evening?—Yes.

At a bout what hour?—From 8 to 10, I think.

Did

Did you play at piequet with the King?
Yes.

Did he play in a ſteady, recollected manner?
Moderately ſo.

Did he play as a man in mental health would play?
Certainly not ſo well as that.

Were there, in the courſe of play, frequent ſigns of the continuance of his Majeſty's diſorder?
I have ſaid, in anſwer to a former queſtion, that the material changes in his Majeſty's ſituation, I think, are a better ſtate of health, and more quietneſs in his manner. I think that is an anſwer. There were ſigns of the continuance of his Majeſty's diſorder.

Whether you was preſent at any reading with his Majeſty?
No, he did not read while I was preſent.

Have you at any time obſerved, that your going into his Majeſty's room has been a cauſe of any irritation?
I think leſs with me than with others.

Do you know that the going in of any of his Majeſty's Phyſicians, other than Dr. Willis, or the going in of Surgeons or Apothecaries, has been a greater cauſe of irritation than the going in of Dr. Willis and his ſon?
I think thoſe he ſees the oftenеſt irritate him the leaſt.

Was you preſent at the time when Dr. Willis ſeemed to impute a a diſturbance of his Majeſty to the unſeaſonable going in of Dr. Warren?
I remember Dr. Willis's ſaying, he thought the going in of us together irritated his Majeſty.

Were you ever preſent when Dr. Willis did at any time impute to Dr. Warren his having gone in ſo as to prevent his Majeſty's ſleeping?
I do not remember his ſaying ſo.

Withdrew.

Doctor WARREN again called in, and examined.

Have you ſeen the King to-day?
Yes.

In what ſtate did you find his Majeſty this morning, and what account had you of the anteceding day?
I found his Majeſty in a very irritated ſtate this morning, and was informed that he has had, in the whole, but five hours ſleep in the three laſt nights—that having had no ſleep at all, or very little, the night before laſt, it was propoſed to give him ſomething laſt night to compoſe and quiet him—ſuch a medicine was written down, but was not given him.—It was propoſed yeſterday to carry his Majeſty out to take the air—I was

not

not informed that this was mentioned in the conſultation in the morning, but I was informed by Dr. John Willis, that his Majeſty's pulſe was yeſterday 120 in a minute—I was likewiſe informed that he had lain all night under coercion, and had ſweated a great deal. Some prudent perſon adviſed his Majeſty ſhould not be carried out to take the air.—I have reaſon to think that the pulſe became quieter in the courſe of the day.—I found it this morning between 106 and 108 in a minute, and obſerved marks of fever on his Majeſty's tongue. Dr. John Willis told me that he had promiſed to carry his Majeſty out to-day, and deſired me to conſider, whether the not complying with his expectations might not irritate him a great deal.—I was ſorry that he had had ſuch a promiſe; I was neceſſitated to take the leaſt of two evils, and adviſed that his Majeſty ſhould not be carried out, the thermometer being 17, as I am informed, below the freezing point; and, particularly, as Dr. Willis has always obſerved, that keeping the pores open always does his Majeſty great good. His Majeſty this morning ſuffered me to come from him with great difficulty, and could not eaſily be prevailed upon by me to let go my hand.

When did you ſee his Majeſty before?

The day before yeſterday—on Saturday morning.

In what ſtate was he then?

His Majeſty had ſome fever then—pulſe between 80 and 90, I believe, but was very irritable; could not be kept to the ſame object for any ſpace of time—tried to play at cards with me, but could not, and ſhewed many ſtrong marks of his diſtemper.

Whether you have ever obſerved, upon your going into his Majeſty, that his Majeſty's irritation was increaſed by your preſence, and whether he has ſhewed any ſigns of diſlike to you?

His Majeſty in general receives me with eagerneſs—thinks he has ſomething peculiar to ſay to me, and frequently propoſes to confer favours upon me; he has done ſo this morning.

Whether his Majeſty has ever ſhewn any ſigns of diſlike towards you?

Not lately; but his Majeſty ſometimes mixes marks of diſlike with marks of favour; but in general thoſe of favour are greatly predominant.

Since what time have you chiefly obſerved marks of favour to predominate?

I do not recollect any mark of diſfavour at any particular time. I was in great diſfavour at Windſor—it continued for ſome time after his Majeſty came to Kew;—it began to diminiſh ſoon after Dr. Willis came; I gradually grew into great favour, and remain ſo at preſent, excepting that ſometimes he has found fault with me for bringing him from Windſor; but at another time told me I did right in bringing him from Windſor; and perhaps found ſome other faults, but not lately, that I know of.—This is the progreſs, to the beſt of my recollection.

Have you heard that his Majeſty has been more irritated by the coming in of his Majeſty's ordinary Phyſicians, Surgeons, or Apothecaries, in a greater degree than by the coming in of Dr. Willis and his ſon?

Not that I know of; I have never been ſo informed.

Whether

Whether the preſence of any object, which tends to excite ſtrong emotions in his Majeſty's mind, is favourable, or otherwiſe, to his recovery?

Unfavourable.

Has there in fact, been any introduction of perſons, to your knowledge, which had a tendency to excite ſuch emotions, and to produce ſuch irritations?

Yes.—I ſhould like to give an account of the firſt conſultation we had with Dr. Willis.—The day that I introduced Dr. Willis to the King, I ſummoned the reſt of his Majeſty's Phyſicians to a conſultation at my houſe.—It was there firſt ſettled as a principle, that quiet of body and mind were to be endeavoured to be obtained by every means poſſible; and that every thing ſhould be carefully kept from his Majeſty that might tend to prevent this deſirable acquiſition.—It was ſettled that a regular coercion ſhould be made uſe of—that every thing ſhould be kept from his Majeſty that was likely to excite any emotion—that though his Majeſty had not ſhewn any ſigns of an intention to injure himſelf, yet that it was abſolutely neceſſary, conſidering the ſudden impulſes to which his diſtemper ſubjects people, to put every thing out of the way that could do any miſchief.—To all this Dr. Willis aſſented—yet the very next day he put a razor into his Majeſty's hand, and a penknife.—When I ſaw the Doctor next, I aſked him how he could venture to do ſuch a thing?—He ſaid, he ſhuddered at what he had done.—As he made uſe of this expreſſion, I did not think it neceſſary to ſay much to him upon the ſubject.—On the 12th of December, as I apprehend, the King took a walk in the garden, and ſome of the royal children were ſhewn to him—this produced a conſiderable emotion, which was accompanied with acts demonſtrating that emotion, as I was informed, to the beſt of my memory, by Mr. Keate.—Notwithſtanding this effect of ſeeing the children, Dr. Willis, the next day, introduced that Perſon, whoſe great and amiable qualities we all know muſt neceſſarily make her the deareſt and tendereſt object of his Majeſty's thoughts:—the interview was ſhort:—his Majeſty was ſoon afterwards in a great ſtate of irritation; and the ſtrict coercion was, I believe, for the firſt time, actually applied that night—the bliſters were put on that night likewiſe. The next time that I ſaw Dr. Willis, I ſpoke to him upon this ſubject with ſome degree of ſharpneſs, becauſe it was contrary to my opinion, and contrary to what had been ſettled in conſultation; for it had been referred, that whatever could be done by deliberation, ſhould be ſettled by conſultation; that the conduct of his Majeſty in the interior room, ſhould be left to Dr. Willis's diſcretion, becauſe it did not admit of deliberation.—I do not know that I convinced the Doctor that his opinion was wrong, but that the act was contrary to what was laid down in conſultation could not be denied.—I was always conſidered, by the higheſt authority, as the firſt Phyſician, and therefore thought myſelf particularly reſponſible: I thought myſelf obliged to look into, and to enquire after every thing that related to his Majeſty: I did not ſuppoſe myſelf in a different ſituation upon the arrival of Dr. Willis, and therefore took the liberty of ſpeaking to him with ſome degree of authority. I remember, when his three attendants arrived, I ſent for them into the Phyſicians room, examined them very carefully, particularly as to the temper with which they conducted themſelves towards thoſe whom they attended, and ſpoke to them, as they were ſtrangers to me, in ſuch a manner as to let them know that their conduct would be ſtrictly obſerved.—My being firſt Phyſician made me talk to Dr. Willis about every thing that I heard of, that did not appear to me to be quite accurate, and ſometimes led to diſputes.—I informed the Doctor that he was there in a double capacity—as Phyſician and attendant on his Majeſty in the interior room; that I muſt take my ſhare

in

in directing what related to him in the capacity of Phyſician, though I ſhould not interfere with reſpect to the conduct of his Majeſty in the interior room. Not many days after this tranſaction I obſerved a book in his Majeſty's hands, which affected me much, and immediately determined me to bring a charge againſt Dr. Willis, for what I thought bad practice.—I do not mean to bring the ſtory of this book as a fault, becauſe I believe there was no intention to convey ſuch a book to his Majeſty: it was the play of King Lear, not in a volume of Shakeſpeare, but it was a corrected Lear, by Colman, and mixed with his plays. I can have no reaſon to think that Dr. Willis could ſuſpect that ſuch a play was in that volume. His Majeſty told me that Dr. Willis brought him the book, and Dr. Willis did not deny it, when I ſpoke to him on the ſubject.—I do not bring this as a fault, but it was the circumſtance that determined me to put in execution what I had been thinking of before, with reſpect to Dr. Willis; for his Majeſty's obſervation on the book affected me ſtrangely. I carried an account of this to the Prince of Wales, and he deſired me, as he had done in every caſe of difficulty that had happened, from the beginning of the illneſs, to lay the affair before the Lord Chancellor. The Lord Chancellor went to Kew, I believe; and the reſult was, when I ſaw the Lord Chancellor, that the rules of the conſultation ſhould be ſtrictly obeyed.—Dr. Willis has, a ſecond time, introduced the ſame great and amiable Perſon. I was informed that ſome degree of irritation came on in the night; but having collected, as I thought, from ſeveral ſmall circumſtances, that the power of introducing perſons to his Majeſty was to be left entirely to Dr. Willis, I did not make any complaint about it.

Can you aſcertain the time of the laſt interview? —— I cannot.

What time of day was the firſt interview?

I apprehend the firſt interview was in the evening— and that the interview happened, not only without conſulting his Majeſty's Phyſicians collectively, but that Dr. Giſborne, who was in the houſe that evening, and ſitting in the anti-chamber when the introduction took place, was not conſulted upon the occaſion.

Do you know who were preſent at the interview?

I think I was informed, Dr. Giſborne was in ſome part of the time, if not all.

How ſoon after the interview did his Majeſty's ſtate of irritation take place?

I cannot tell, but I apprehend a little before, or ſoon after, he went to bed: I do not know the exact time of the interview.

Had you any particular account of that interview, or of the effect which it produced at the time?

If I miſtake not, Dr. Willis informed me it laſted about five minutes – that, during that five minutes, every thing paſſed agreeably, but that ſomething was then ſaid that induced Dr. Willis to put an end to the viſit.

Had you any account of the circumſtances or motives which led to that interview?

I had no account previous to the interview. Afterwards, in talking upon the ſubject with Dr. Willis, he mentioned his motives, or reaſons, for thinking the interview would be of ſervice; which I could not agree to.

Whether

Whether you recollect the circumſtances which attended your waiting upon His Majeſty, upon a particular day, concerning which it has been ſince ſaid, that you prevented his Majeſty from going to ſleey?

I never could accurately learn what day was fixed—I have only had a ſuſpicion of the day.—I wiſh to have a day fixed, that I may meet the charge.

Was there any day on which Dr. Willis ſeemed to be peculiarly ſolicitous to prevent, or delay, your going in to the King?

I do not recellect any ſuch day.

Do you recollect any converſation you had with Dr. Willis concerning the King's being aſleep, or diſpoſed to ſleep, at a time when you was going in to his Majeſty?

I remember a morning when Dr. Willis ſaid his Majeſty had had a bad night, which I myſelf had been acquainted with by aſking the Page, as I paſſed by the King's anti-chamber, the door of which I opened as I was going into the Phyſicians room.—In the Phyſicians room I mentioned that I had learnt the King had had a very bad night, but was then fallen aſleep.—I ſat down, and what diſcourſe paſſed between me and Dr. Willis then, about the night, I do not know—a few Words only.—The Doctor ſoon went out of the room, and when he returned, ſaid, "That "the King was not ſleeping, for that he ſpoke."—I got up, the attending Phyſician of the day with me, and walked towards Dr. Willis—we went together through the anti-chamber; when I arrived at the door of his Majeſty's bed-room, Dr. Willis ſaid, You may open the door, a circumſtance that I do not recollect ever to have happened to me before—ſomebody elſe generally opening the door;—when I opened it, I found that the room was dark—I ſtepped forwards very ſlowly; as ſoon as I had gone the width of the door I was viſible to his Majeſty. The door being open, his Majeſty immediately addreſſed himſelf very pointedly to me, ſaying, "I am glad to ſee you," and adding his wiſh to be releaſed from the ſtate he was then in, which was a ſtate of coercion. I heſitated; went one ſtep back to look for Dr. Willis, who was ſtanding very near me. I ſaid ſomething to the Doctor, and he immediately replied, in ſubſtance, that if his Majeſty complained I might comply with his requeſt. In conſequence of which it was done, by my deſire. I ſtaid but a ſhort time with his Majeſty, and, as I was walking back, I ſaid, "I had ſome doubts "whether the complying with his Majeſty's requeſt was not improper, "for he is in a very irritated ſtate." Dr. Willis ſaid, "His Majeſty will "riſe preſently, and then we ſhall be able to do without coercion."

Whether Dr. Willis expreſſed, at that time, any diſpleaſure at what you had done, or repreſented to you any Miſchief that he conceived likely to enſue from it?

Not that I remember.

On what occaſion did any diſcourſe ariſe, concerning any certificate ſubſcribed by Dr. Willis, relative to a tranſaction in which his Majeſty's ſleep had been prevented or interrupted?

The ſtory was ſo abſurd, that I never gave myſelf the trouble of confuting it. Sir Lucas Pepys ſaid, the ſtory would do me a great deal of harm. I told him, I did not value it, or ſome ſuch expreſſion. Notwithſtanding which, without any intimation from me on the ſubject, he wrote down a paper, without my knowing what it was about, till he was very near the end of it, and in a minute or two more ſhewed it to Dr. Willis, who came

into the room about that time, and ſaid, that he had no objection to ſigning of it. I never conſidered it of any importance, nor do I now.

Do you recollect, that a paper was offered to Dr. Willis, and that he refuſed to ſign it, if it contained any thing to the purpoſe, that you did not go into his Majeſty's room at a time it was probable you might prevent his going to ſleep?

I apprehend the Doctor ſaid ſomething upon that ſubject after it was ſigned.

Do you recollect any thing further upon that ſubject?

After it was over, I ſaid to Dr. Willis, I would not tell you that I had done you a civility this morning, while this thing was depending, and then mentioned it to him.

Do you recollect any converſation relative to your ſaying you was a ſpy upon them all?

I do—I am very glad this circumſtance was mentioned.—I went upon a certain morning, immediately after my arrival at Kew, into the anti-chamber, and aſked the page how his Majeſty did? he replied, that he had had a very bad night, was juſt then fallen to ſleep, and you muſt not go in.—You know, ſaid I, that I am a Spy, and muſt ſee the King:—I did not mean then—and went immediately to the Phyſicians room.—This was ſpoken in a very good-natured manner, and meant no more, than that I, from my ſituation, was an inſpector.—Will the Committee pleaſe to conſider, whether any man, who meant to be a ſpy, ever told it of himſelf?

Have any violent diſputes ever exiſted between his Majeſty's Phyſicians, concerning the method of his medical treatment?

No, if you mean the medicines, ſo far as I know.

Have any diſputes ariſen between any of the Phyſicians among themſelves (the diſputes with Dr. Willis excepted) concerning any part of his treatment?——Never.

Do you recollect whether Dr. Willis remonſtrated againſt the uſe of bliſters, as ſuppoſing them improper in this caſe, or dangerous?

On the contrary, the Doctor ſpoke highly in commendation of bliſters in ſimilar diſorders.

Do you recollect any perſon that was preſent at this diſcourſe?

I believe all the Phyſicians can ſpeak to his holding this language—ſome of them can, I certainly know—Dr. Giſborne, Sir Lucas Pepys, Dr. Reynolds, and probably Sir George Baker.

Whether, upon the whole conſideration of his Majeſty's caſe, from your own obſervation, and the beſt information you can collect, his Majeſty has mended, in his particular diſorder, ſince you were firſt examined before this Committee?

No; he was more diſturbed part of yeſterday and the night before, from the information that I received, and is ſo this morning, than I uſually ſee him.

Whether, in the report ſent to St. James's, the "tranquil," "quiet," "calm," "compoſed," and the like, are meant by you, ſo far as you have ſigned them, to expreſs any amendment in the King's peculiar malady, or a dif-

a different ſtate of temper, the ſame, or conſiderable ſymptoms of derangement exiſting?

The words are not meant by me to expreſs any amendment of the important complaint.

Has any influence, command, direction, or perſuaſion, been uſed to you, from any perſon whatſoever, to repreſent his Majeſty's caſe in a leſs favourable light than it appeared to you upon your own judgement?

Certainly not.

When Dr. Warren was examined before this Committee on Thurſday laſt, was he acquainted at that time with the ſeveral circumſtances of Dr. Willis's conduct which he has this day ſtated to the Committee, as having excited irritation in His Majeſty?—Yes.

Whether the paper which you received from Dr. Willis was, in point of fact, according to the beſt of your preſent recollection, an acknowledgment that you had not waked his Majeſty, or an acknowledgment that you had not prevented him from going to ſleep?

I muſt refer to the paper; I can hardly ſay that I read it with accuracy—but I am ready to ſend the paper here.

Whether, upon that morning in which you ſay, that you uſed the words in the ſenſe in which you have explained them, relative to your being a ſpy, you recollect being deſired by Mr. Braund, or Mr. Compton, or Dr. Willis, not to go into his Majeſty's room?

I certainly heard no ſuch words at the time I was going into the room; I have already related what I heard from the Page, when I firſt went into the anti-chamber, at my arrival at Kew.

Did you, according the rule which on Thurſday laſt you ſtated to the Committee you had made ever ſince Dr. Willis came, not to go in without aſking the Doctor or his ſon whether it was a proper time, aſk the Doctor or his ſon, on that morning, whether it was a proper time for you to go in?

No, I did not; but, upon the Doctor's obſerving that the King was awake, I took it for granted that this ſhewed that it was a proper time for my going into the King's room?

Was there any particular neceſſity for your going in that morning?

The ſame neceſſity there always was, together with the circumſtance of its having been a bad night.

Whether the circumſtances which you have mentioned, of the increaſe of irritation, the quickneſs of pulſe, and the other ſymptoms, as having been obſerved by you ſince you were laſt examined by this Committee, produce any material alteration in the opinion which you have before ſtated to this Committee reſpecting the probability of his Majeſty's recovery?—No.

Upon what ground was your opinion of recovery founded?

By calculation. Withdrew.

Sir GEORGE BAKER again called in, and examined.

When did you laſt ſee His Majeſty?

Yeſterday morning.

Will you inform the Commiteee in what ſtate His Majeſty was then,

and had been in the day preceding, according to your own obſervations, and the beſt information you have received?

According to the information which I received, his Majeſty had paſſed the preceding afternoon quietly; that he had had a very reſtleſs night, without any ſleep; that from ſix o'clock to eight in the morning he was very much diſturbed. When I viſied his Majeſty, he talked for about a minute a little conſiſtently, but then went into a total alienation.

How long did you ſtay with his Majeſty?

Perhaps about twenty minutes—I cannot ſay with accuracy.

Do you, from what you have obſerved on this and the former occaſions, believe his Majeſty to have been lately, at any time, capable of reading a book, with attention and obſervation, for any length of time together?

From what I have obſerved lately, I do not conceive that his Majeſty has been capable of reading a book, for any length of time, with attention and obſervation.

Whether, when you obſerved the firſt ſymptoms of his Majeſty's diſorder, on the twenty ſecond October, you communicated your apprehenſions to any perſon?

I communicated my apprehenſions by a note to the Chancellor of the Exchequer.

To any other perſon?

No, not that night. except to Mr. P. Hawkins.

When did you communicate your apprehenſions to the Chancellor of the Exchequer?

The twenty-ſecond of October.

Do you recollect the circumſtances of that communication to the Chancellor of the Exchequer, or any thing that paſſed in conſequence?

The terms of the communication were, "Sir G. Baker is ſorry to acquaint Mr. Pitt, that he has juſt left his Majeſty in an agitation of "ſpirits bordering on delirium." In conſequence of that communication, Mr. Pitt called on me, on Thurſday the twenty-third of October, about two o'clock in the morning, I believe, after I was gone to bed. It was twelve o'clock when I came home; I ſent the note to Mr. Pitt immediately after.—I endeavoured to give Mr. Pitt a more full account of what I had obſerved.

Do you recollect being aſked, in that converſation, if you thought, under the circumſtances you had mentioned, it was prudent that his Majeſty ſhould be left that night without any Phyſician, or ſomething to that effect?

I do not recollect any thing of the kind.

Do you recollect mentioning, after ſome converſation on the particular circumſtance of his Majeſty's ſituation at that time, that Mr. Hawkins the ſurgeon was in the Houſe, or next door, and that you thought that fully ſufficient?

I do recollect that I told Mr. Pitt, that Mr. Hawkins and I had talked about bleeding his Majeſty, and that we waited ſome time in conſideration of that before I left the Houſe; but we found no alarm had been taken by any of the family, and that if any difficulty occurred in the night, Mr. Hawkins

Hawkins would naturally be ſent for, and in an hour, or an hour and an half, I could come to is Majeſty,

Whether you mentioned the circumſtance of the King's illneſs to any other perſon near his Majeſty, from that time to the time of his next attack?

I do not recollect that I did.—I muſt explain that; for when I went the next morning, I found his Majeſty had paſſed a very quiet niget, and was without complaint, as I communicated to Mr. Pitt by his meſſenger.

Then you did not conceive it neceſſary, or adviſeable, to acquaint his Royal Highneſs the Prince of Wales, or any other of the Royal Family, with the apprehenſions you had conceived the night before?

I did not conceive it neceſſary to acquaint his Royal Highneſs with my apprehenſions the night before, for this reaſon only, becauſe I thought I had been miſtaken.

Did you, for the ſame reaſon, abſtain from informing her Majeſty?

For the ſame reaſon.

Whether Sis George Baker obſerves any further degree of convaleſcence in his Majeſty, than when he was laſt examined before this Committee?

No ſigns of convaleſcence.

Whether Sir George Baker obſerves any further degree of convaleſcence in his Majeſty, that when he was laſt examined before this Committee?

No ſigns of convaleſcence.

Whether Sir George Baker, duly attending to the circumſtances which he has mentioned in his examination this evening, does, or does not, in his conſcience, think that the chance of his Majeſty's recovery, from his preſent indiſpoſition, is as good, or greater, or leſs, than it was when he was laſt examined before this Committee?

It as good.

Can you define to the Committee the meaning of the word convaleſcence?

Some degree of recovery, I ſuppoſe, it means. If it does not mean a recovery, it means ſomething towards a recovery.

Whether, in any diſorder, any degree of amendment would come under the term convaleſcence?

I think hardly.—In a fever, if your pulſe was ſomewhat quieter to-day than yeſterday, I ſhould not ſay that you were convaleſcent, but that you were better.

Is it to be underſtood that a perſon may be better, without being convaleſent?

He certainly may.

When you attended his Majeſty yeſterday, what were the obſervations you made upon the ſtate of his Majeſty's pulſe, and of the ſtate of his general bodily health?

The ſtate of the pulſe was 84, and as to the ſtate of his bodily health, it was much as it had been.—His Majeſty is grown extremely thin.

Was there any fever, or any thing materially different in the ſtate of his bodily health from what it had been for ſome time?

No,

No, nothing materially different.

Does his Majeſty's general habit, or his preſent diſorder, make his Majeſty liable to ſudden and temporary variations in the ſtate of his pulſe?
I do not know the meaning of the word habit; but as to the preſent diſorder, it certainly makes his Majeſty liable to ſudden variations of his pulſe. I have counted it from 68 to 126, but not within ſhort intervals.

Whether you conſider ſome temporary or occaſional rational diſcourſe, a proof of the abſence of this malady?
I do not.

Will you inform the Committee, whether you have, or have not, known many people extremely ill of this malady, and who have never been cured that did notwithſtanding occaſionally uſe ſome rational diſcourſe?
I have hardly ever ſeen a perſon in that ſituation, who cannot occaſionally talk rationally.

Whether you do not know that perſons in this malady, who in the preſence of certain attendants have abſtained from thoſe diſcourſes and actions which would indicate the malady?
Certainly.

How many perſons labouring under this malady, who had been three months ill, have recovered, under the ſole care of yourſelf, during your life?
Not one.

Whether a patient having occaſional rational converſation, while labouring under this malady, is not more favourable than when that circumſtance is wanting?
I like it better; but I am not ſure it is more favourable.

How many patients have you, in the whole courſe of your life, thought it proper to continue under your ſole care, after they had continued three months under your ſole care, indiſpoſed in this malady?
Twenty. I believe.

How many of thoſe patients have you cured?
Not one.

Of that number, which you ſuppoſe to be twenty, are you able to ſtate how many of them ultimately did recover?
I do not believe any of them.

Did thoſe perſons remain under your care, to the beſt of your knowledge, as long as they lived?
I do not know that.

Then, do you know whether ultimately they were cured or not?
I can ſay nothing at all to ſome of them.

Can you ſay under what care thoſe, to whoſe caſe you can ſay nothing, were put, after they ceaſed to be under your care?
Some of them have gone into hoſpitals, others into private houſes.

Whether there are particular ſymptoms which enable you to ſtate it as your opinion, that patients never will be cured?
When the diſorder degenerates into a ſtate of fatuity, there are no hopes of cure.

Whethe

Whether it is not common for this diſorder, where it long continues without cure, to degenerate into ſuch a ſtate?

Very common.

What is your opinion of a calculation, which, under any management you have hitherto heard of, gives 9 cures out of 10 maladies, provided they are taken into hand within three months after the commencement of the diſorder?

As far as I know, from my own experience, and from the experience of Dr. Batty, whom I attended formerly, ſuch a calculation is incredible.

Whether the loſs of fleſh which you have mentioned, has been attended with loſs of ſtrength?

About a month ago there was no loſs of ſtrength—His Majeſty has had ſo little exerciſe ſince, that I cannot judge now.

To what cauſe do you attribute the loſs of fleſh?

To agitation, and to perſpiration, and leſs ſleep than uſual; thoſe are all the cauſes that occur to me.

Whether loſs of fleſh, in caſes of this ſort, affords any argument as to the probability of recovery?

I think it affords no argument either way.

Sir George Baker deſired the two following queſtions and anſwers, in his examination on Thurſday laſt, might be read.

Q. "Has Sir George Baker attended his Majeſty only, or has he been "employed in attending the Royal Family?"

A. "Both his Majeſty, and alſo the Royal Family—I mean the family "at Windſor and at Kew."

Q. "Is Sir George Baker now employed to attend on the Royal Family?"

A. "Only the King, not the Royal Family."

Sir George Baker then deſired that his anſwer to the firſt of thoſe queſtions might ſtand as follows.

"Both his Majeſty and the Queen, and the Royal Family reſiding "with their Majeſties"

And that his anſwer to the ſecond queſtion might ſtand as follows.

"Not on the Royal Family."

Do you know any inſtance of Dr. Warren, or any other Phyſician, by improper interruption diſturbing his Majeſty's reſt, or preventing his going to ſleep?

I know no ſuch inſtance.

Sir George Baker having ſaid, in anſwer to a queſtion put to him, that, duly attending to the ſeveral circumſtances which he has mentioned in his examination this evening, he does in his conſcience think that the chance of his Majeſty's recovery is as good as when he was laſt examined before this Committee—and ſeveral queſtions having been addreſſed to, and ſeveral anſwers given by him, ſince he ſo declared his opinion, does he continue, in his conſcience, to hold the ſame opinion, due regard being had to the ſeveral circumſtances referred to in ſuch queſtions and anſwers?

I am of the ſame opinion that I was two hours ago.

Withdrew.

Sir LUCAS PEPYS again called in, and examined.

Whether you know any inſtance of Dr. Warren, or any other Phyſician, by improper interruption, diſturbing his Majeſty's reſt, or preventing him from going to ſleep?

No inſtance.

When did you ſee the King laſt?

I came from him this morning.

In what ſtate did you leave his Majeſty?

Rather quieter than he was laſt night; very far from being ſo calm as I have ſeen him.

Have there been, within the laſt three days, great ſigns of fever and irritation?

Very conſiderable.

How has his Majeſty been, with reſpect to ſleep, within that time?

From the report of the Pages, who have ſet up for the laſt three nights, it appears that his Majeſty has not had above five or ſix hours ſleep.

A PAPER, of which the following is a copy, was then ſhewn to Sir Lucas Pepys..

"Kew Houſe,

"December 25th, 1788.

"A malicious report having been induſtriouſly circulated, that Dr. "Warren had gone into his Majeſty's Bedchamber, contrary to the de- "ſire of Dr. Willis and the Pages, and then and there, in a violent man- "ner, diſturbed his Majeſty out of his ſleep, in conſequence of which he "became more than uſually diſturbed——This is to certify, that the whole "of the above report is not true, and is merely founded in malice.

"Thurſday Morning." "F. WILLIS."

This paper was written by me, and ſigned by Dr. Willis, upon the 25th of December laſt.

What ſhare had Dr. Warren in procuring the drawing up or perſuading the ſignature of this Paper?

Having heard frequently of the report mentioned in this paper, and conceiving it to be very injurious to his character, without any communication with Dr. Warren on the ſubject, and whilſt Dr. Warren and Dr. Willis were talking in the Room, I haſtily wrote this paper, wiſhing thereby to put an end to all altercation. I ſhewed it to Dr. Warren, who immediately preſented it to Dr. Willis; and I told Dr. Willis I conceived he could have no objection to ſign his name in contradiction to ſuch a malicious report: this he readily did, and Dr. Warren thanked him for having ſo done.—Nothing more paſſed on the ſubject.

Did Dr. Willis at the Time, make a diſtinction between preventing ſleep, and waking from ſleep—refuſing to give any certificate with regard to the preventing, but conſenting to this certificate with regard to the waking---or any diſtinctions to that effect?

No ſuch diſtinctions was made to me, nor were there any more words, to the beſt of my recollection, paſſed on the ſubject. What they might ſay, I do not know, for I was writing.

Did you deſire Dr. Willis to give a certificate to the former effect, which he refuſed?

No,

No, I never aſked him any more queſtions on the ſubject.

Was not this certificate to meet the particular charges, which you have heard were circulated againſt Dr. Warren?

Yes.

Will you inform the Committee, whether the report that had been circulated was, to the beſt of your information, that Dr. Warren had, in a violent manner, diſturbed his Majeſty out of his ſleep—or, that he had prevented him from going to ſleep?

I wiſhed, by the certificate, to meet the report of Dr. Warren's having diſturbed his Majeſty while ſleeping, which was the report that was circulated.

Withdrew.

Martius, 13° die Januarii 1789.

The Reverend Doctor FRANCIS WILLIS again called in, and examined.

DO you remember the time when you were firſt introduced to attend on his Majeſty?

About Friday five or ſix weeks.

Do you remember at that time a general conſultation of all the Phyſicians, at which you was preſent?

Yes.

Was the object of that conſultation to ſettle the general rules upon which his Majeſty's caſe was to be conducted?

Concerning medicines in particular.

Was it agreed, at that time, to keep out of the way of his Majeſty every thing by which a perſon, under his diſtemper, might, from ſudden impulſe, be induced to injure himſelf?

I do not remember one word about it: things of that ſort, I underſtood, were left to me to judge at the moment.

Do you remember your having put a razor and penknife into the hands of his Majeſty, the day after the conſultation;

His Majeſty had not been ſhaved for a long while, perhaps a fortnight, or three weeks; and the perſon that had been uſed to ſhave him, could not complete the parts of his upper and under lips; and, being confident, from the profeſſions and humour of his Majeſty at that moment, I ſuffered his Majeſty to ſhave his lips himſelf; and then he deſired he might have his whole face lathered, that he might juſt run it over with a razor; and he did ſo in a very calm manner. His nails alſo wanted cutting very much; and upon his aſſurance, and upon my confidence in his looks, I ſuffered him to cuth his own nails with a penknife while I ſtood by him.—It is neceſſary for a Phyſician, eſpecially in ſuch caſes, to be able to judge, at the moment, whether he can confide in the profeſſions of his patient; and I never was diſappointed in my opinion, whether the profeſſions of the patient were to be relied on or no.

After having attended a patient for ſo ſhort a time, as you then had his Majeſty, have you ſuffered them to ſhave themſelves, or cut their own nails?

I do not know particularly as to that; but I have truſted them with a knife and fork, at as early a time, I believe.

As both theſe operations might have been performed by other people, was there any particular reaſon which induced you to ſuffer his Majeſty to do them himſelf?

The reaſon was, the great uneaſineſs and diſtreſs his Majeſty ſhewed from the razor going over his lips, by the length of the hair, and the perſon not being able to accompliſh it.

Had you any converſation ſoon after, with Dr. Warren, on the ſubject of that tranſaction?

I believe I had, a day or two after.

What were the particulars of that converſation?

I do not know any further, than that the Doctor ſhewed his ſurprize that I had ſuffered his Majeſty to perform thoſe two operations himſelf;—upon which I told the Doctor, as I have now mentioned, I believe—that at the moment, I was ſure thoſe inſtruments were very ſafe in his Majeſty's hands; but that it had a bad effect, becauſe his Majeſty imagined, from thence, that he might have the liberty of doing other things.

Upon Dr. Warren's expreſſing his ſurprize to you, did you ſay to Dr. Warren, that you ſhuddered at what you had done?

I do not remember any thing of it.

At the conſultation, to which you have already referred, was it not a principle ſettled among the Phyſicians, that quiet of body and mind were to be endeavoured to be obtained by every means poſſible?

I believe it was; but I do not remember any particulars of it.

Do you recollect it having been ſettled at ſuch conſultation, that every thing ſhould be kept from his Majeſty that was likely to excite any emotion?

I do not remember any; but underſtood that, as I was in the houſe for that particular occaſion, I was to uſe my own diſcretion.

Do you recollect his Majeſty to have taken a walk in the garden, at Kew, on a particular day, early in the month of December?

I think his Majeſty walked out two days ſucceſſively, early in December.

Was it about the 12th of December?

I fancy it was there or thereabouts; he walked out but twice.

On either of thoſe days, did his Majeſty ſee any of the Royal Children in the courſe of his walk?

When he came by the houſe, the firſt day, he looked up at the windows where the Princeſſes are generally, and complained very heavily that they would not ſo much as ſhew themſelves to him.—In conſequence of which, the next day, I did deſire that they ſhould appear, and myſelf ſtood at the window, with two of the Princeſſes, when his Majeſty was coming by; and his Majeſty ſhewed extravagant joy at the ſight of them, though he ſaid, his eyes did not ſuffer him to ſee the Princeſs Amelia ſo well as he could wiſh.

How long were the Princeſſes in his Majeſty's ſight?

Not many ſeconds.

Do you think that this circumſtance, of having ſeen thoſe Princeſſes, was attended with any material bad conſequences in his Majeſty's ſtate?

I think quite the contrary.

Do you, or do you not, think that in the conduct of ſuch a cure, as that of his Majeſty's diſorder, it is of uſe that the patients ſhould be gradually, or at times, accuſtomed to ſcenes of an intereſting nature, ſuch as that you have deſcribed?

I am very ſure that ſuch occurrences can ſcarce be too frequent, as it comforts the patient to think that he is with his family, and that they are affectionate to him;—and upon enquiries of patients who have been cured of the ſame indiſpoſition, they have always mentioned thoſe occurrences having given them the greateſt comfort, and, as they thought, helped very much towards their recovery.

Is it your opinion, that ſuffering his Majeſty to continue anxious for a ſight of his children, would have been attended with more, or leſs, inconvenience, than the irritation which the ſeeing of them might occaſion?

There would have been more inconvenience in his not ſeeing them, from his anxiety; for the irritation occaſioned by a patient ſeeing his friends or relations is entirely overbalanced by the ſoftening him into tears, which ever leads to amendment.

Do you conſider the obſerving thoſe emotions, which may naturally take place at the ſight of relations or friends, as furniſhing grounds of judging with regard to the ſtate of the diſorder, or the probability of the cure?

Yes, it is a favourable ſymptom, if the patient ſhews affection, inſtead of averſion; which latter is very often the caſe, in thoſe who are not ſo likely to recover.

Soon after the occurrence which you have related, had his Majeſty an interview with the Queen?

I believe in the Evening of that day, or the day after; I think ſo.

How long did that interview laſt?

A quarter of an hour.

Are you of opinion that this interview was attended with any prejudicial conſequences, or the reverſe?

I can form no opinion whether it was the one or the other, becauſe that that night two bliſters were applied to his Majeſty's legs, which, from the conſequence of them afterwards, I believe, were the occaſion of his having a very bad night, and that his having ſeen her Majeſty had no concern in it; but that is mere opinion.

Are theſe the ſame bliſters which you have alrendy mentioned before this Committee?

Yes; there has been no other ſince I came.

Are you of opinion, that the application of bliſters is a ſalutary remedy in diſorders of that nature?

I have had the greateſt reaſon to think ſo, if they were not applied upon or near the head.

Was you of opinion that the bliſters applied to his Majeſty's legs, on the evening of the day when he ſaw the Queen, was a proper meaſure?

I thought ſo at that time, as I underſtood two bliſters, that had been applied at Windſor, did not ſhew that they increaſed his Majeſty's irritability.

Was it ſettled at a conſultation, that thoſe bliſters ſhould be applied?
Yes.

Was there a ſecond interview with the Queen?
Yes.

When was that?
It was while his legs were bad from the bliſters, before they were at all well.

Were there any bad effects produced from that interview?
I do not know that there were, nor do I know that there were any good, becauſe of the bliſters irritating him.

Do you recollect any particular circumſtance which led you, in addition to your general reaſoning upon the ſubject, to wiſh the King to have an interview with ſome of his family?
No other than from his great uneaſineſs and deſire to ſee them—and the neceſſity I think there is for to have ſuch occurrences very frequently.

Do you recollect any thing of the King having ſeen the youngeſt Princeſs before he ſaw the Queen?
Yes.

When?
Juſt before he firſt ſaw the Queen.

Did any thing ariſe from that circumſtance, which more particularly led to the interview with the Queen?
He perſuaded the Princeſs to promiſe him that ſhe would fetch the Queen.

Did he give any ſigns of much anxiety upon the ſubject of that requeſt being complied with?
Very great—inſomuch that the meeting was extremely moving.

Do you recollect, among other books, to have put the Tragedy of King Lear into the hands of the King?
His Majeſty aſked me to give him the Tragedy of King Lear. I told him it was improper. He then deſired to have Foote's plays, and Colman's. I did not know that Colman had put out an edition of King Lear; indeed I had never read Colman's works, and when I told it to the Chancellor, he told me he was as ignorant of it as I was, and when I was charged by Dr. Warren for giving his Majeſty it, I thought I had not done it, and poſitively ſaid I had not;—and, it being the ſame day that Dr. Warren had charged me, in a moſt extraordinary manner, for writing what I had not, and doing with a political view what I did not, I really thought that the Doctor had charged me as falſely with the one as in the other; and was very much ſurpriſed, when I went into the Pages room, to ſee that King Lear was, I think, in the third volume of Colman's works. But be that as it may, it was of no conſequence, for at that time his Majeſty could not read three words in any book.

Was his Majeſty in a very irritated ſtate yeſterday morning?
I juſt ſaw his Majeſty—when I left him, about half paſt ſeven o'clock, and he was not ſo then. His Majeſty took hold of my hand, and ſaid, I ſhould not go to London; and complained of my having left him ſo much in the laſt week.

At that time did you feel his Majeſty's pulſe?
I did.

In what ſtate was it?
An irritated pulſe—conſiderably too quick.

Had the King a conſiderable fever upon him?
A nervous fever, from irritability, more than from any other cauſe, in my opinion.

Was his tongue much affected?
Yes, his tongue looked white;—but there are appearances of an affection of the nerves from the tongue, that is rather of a different nature from that which is from fever alone—in ſhort, what appears in hyſterical caſes.

How long were you with his Majeſty?
About a minute; not more.

Had you propoſed to carry out his Majeſty to take the air yeſterday, or the day before?
I had an intention both days, becauſe ſuch appearances of fever as I judged his Majeſty's to be, are to be removed by amuſement, more pehaps than any thing elſe.

Had his Majeſty been in a great perſpiration the night before?
On the Saturday night he had; and that the only reaſon that determined me not to take his Majeſty out.

What Phyſicians attended on Sunday morning at Kew.
Sir George Baker, I think.

Did Sir George Baker and you agree upon the impropriety of taking his Majeſty abroad after ſuch a perſpiration?
I don't remember that we ſaid any thing about it.

At what time of that day did you determine againſt ois Majeſty's going out?
I believe it was about two o'clock, but I am not ſure.

Did you ſee His Majeſty this morning?
I did not—I ſaw one of the Pages.

Was you at Kew time enough to ſee him laſt night?
I ſaw him go to bed, aud a long while before—He went to bed extremely quiet and ſenſible, while I was in the room laſt night—went to ſleep a quarter paſt eleven, and waked a quarter before ſeven, as I underſtand from the Page, and one of the attendants.

After you had permitted the King the uſe of a razor and penknife, what were the bad effects that you apprehended from his thinking that he had a right to do other things?
His Majeſty took it ill that I would not let him go up ſtairs to ſee his family, and many other things, which I found it would not be prudent to do.

Whet her you have ſince continued to indulge his Majeſty in the uſe of the razor and the penknife?
Never ſince, either of them, for the reaſon I have already given.

Is it only for fear he ſhould aſk for other liberties, which you think it proper to refuſe him?

Yes.

Do you think that the expectation of the liberties which the King might call for would be of more danger to him that the uſe of razors and pen-knives?

To be ſure, becauſe the refuſal would irritate him much, and increaſe his diſorder.

Whether you refuſe to the King all indulgencies which may be ſafely given, leſt he ſhould demand thoſe that ought to he refuſed?

I do a great many that may be ſafely given.

Will you inform the Committee, whether you have frequently indulged the King in the view of the Royal Children, ſince the interview you mention?

Not once.

Will you inform the Committee, whether, after the firſt interview with the Queen, there was not a remonſtrance made to you upon the impropriety of that ſtep?

Yes, there was.

Was it only made to you by the Phyſicians, or carried further?

Only by the Phyſicians, as I know of.—I had a converſation with the Chancellor about it, and I told the Chancellor, as I did the Phyſicians, that I imagined that thoſe things were left to my judgment, and to be done, or not, as it appeared beſt at the preſent moment.

Did the Chanceller encourage you in the uſe of that diſcretion, without conſultation with the Phyſicians attending on his Majeſty?

The Chancellor told me that I ſhould conſult the other Phyſicians as much as I could, but that I was to follow my own line, and do as I had been uſed to do with patients at home.

Whether any other Phyſician, beſides Dr. Warren, expreſſed his diſapprobation of your indulging the King in the uſe of ſharp inſtruments, and in affecting interviews?

I do not know any, except Dr. Warren—I do not remember.

Were any of the reſt acquainted with thoſe circumſtances?

Dr. Giſborne was preſent at the firſt interview with her Majeſty.

How came the indulgence of the King in the ſight of two of the Princeſſes at the window to be ſo ſhort, when the King expreſſed ſo much ſatisfaction in it?

I can give no particular reaſon for it: His Majeſty ſaw them as he paſſed along, and made a little ſtop; the window was not open, and they were up ſtairs.

What was the occaſion of the interview with the Princeſs Amelia?

His Majeſty's earneſt deſire, and the hope that it might have ſome good effect.

Whether the Princeſs Amelia was brought into the King's preſence, or only ſhewn at a window?

I led the Princeſs Amelia into the room myſelf.

That

What happened on the occaſion?

He was extremely fond of her, and ſhewed the greateſt mark of parental affection I ever ſaw.

Did his Majeſty ſuffer her to depart willingly?

Very willingly, on condition that ſhe brought the Queen to his Majeſty.

What was the cauſe why the interview with the Queen did not continue longer than the time you have ſtated?

Becauſe his Majeſty gave me his word it ſhould be but for fifteen minutes.

Are you quite ſure that his Majeſty's diſcourſe did not grow more diſordered towards the end of that meeting than it had been at the beginning.

I was not a judge, becauſe his Majeſty ſpoke in German ſeveral ſentences, which I did not underſtand;—but his Majeſty took leave of the Queen and Princeſs very properly.

For what reaſon, that night, was it thought proper, on conſultation, to have recourſe to bliſters, for the firſt time ſince your arrival?

To make a revulſion.

What occaſion was there that day more than before to have recourſe to that operation?

It was determined by us in the morning to put them on that night.

Whether the King grew more compoſed before thoſe bliſters were put on?

I do not remember any thing about it.

Whether, after the interview with the Queen, the Phyſicians did not remonſtrate againſt ſuch interviews?

I believe they might.

Did you, at that time, tell them that you were reſolved to permit ſuch interviews at your diſcretion?

I told them, I believe, that I was ſent for there in order to make uſe of my own diſcretion, and that they could not think themſelves proper judges about it.

At what hour were the bliſters put on, after the firſt interview?

About ten o'clock at night.

Was actual coercion uſed on that night?

I do not remember.

Can you recollect?

I cannot.—I believe it might be the next day, or the next night. I am not ſure; it was about that time, and was the very firſt time it was uſed, I believe.

Whether you declared your intention in perſiſting in the grant of ſuch indulgencies when you ſhould think proper?

I certainly did, by implication.

Did you give any notice, or conſult any Phyſicians, about the ſecond interview with the Queen?

I do not remember.

When

When was the time of the ſecond interview with the Queen?
I do not recollect.

Have you indulged the King with any further interview with her Majeſty?
On the times that have been mentioned.

Has the King been indulged with a view of his brothers or ſons?
No.

Whether any, and what converſation, gave riſe to the King's deſire of having the tragedy of King Lear put into his hands?
I do not know of any; I never before read King Lear in my life.

Why did you repreſent it as improper to give the tragedy of King Lear to the King?
Becauſe I did underſtand the character of King Lear though I had not read it.

Were any of the King's Phyſicians, Surgeons, or Apothecaries preſent, when the King called for Foote's or Colman's plays?
I do not remember.

Whether the King did actually read any part, however ſmall, of Colman's tragedy of King Lear?
I had ſaid before, that I did not know it was there—I did not ſee him read it at any time.

Did you hear him refer to it?
I did not.

On the whole of your experience, for near thirty years, do you, or do you not think, that in the management of perſons in His Majeſty's ſituation, though a general line of conduct may be laid down, yet that much good may reſult from occaſional deviations from it, when made at the diſcretion and under the conſtant obſervation of a Phyſician who is thoroughly converſant with this ſpecies of complaint?
Very certainly.

Do you think that ſuch deviations not being allowed to ſuch Phyſicians may greatly retard the cure?
I am very much of that opinion.

Do you recollect whether you ever told Dr. Warren, previous to yeſterday morning, that his Majeſty had aſked for the play of King Lear, and that you had refuſed to comply with the requeſt, as improper, before you brought his Majeſty the volume of Colman's plays?
I really do not remember.

Dr. Willis having informed the Commſttee that from his knowledge of his Majeſty's ſenſe of religion, he has greater hopes that he will, with a proper reſignation, reflect upon what it has pleaſed God to have afflicted him with—whether Dr. Willis grounds thoſe hopes upon obſerving that his Majeſty is not irritated by being ſenſible of his ſituation?
I do not underſtand the queſtion.

Have you obſerved that the King has appeared at all ſenſible of his ſituation?
Very much ſo; and more particularly lately, within theſe few days.

What

What time do you mean by a few days?
Within this week—but more ſo laſt night.

How come you now to be enabled to anſwer poſitively, on being aſked whether his Majeſty appeared ſenſible of his ſituation, that he has been very much ſo within this week paſt, when on Saturday laſt you ſaid you was not ſure that he had been ſenſible of it?

By his ſituation now, I mean both his Majeſty's ſituation as King, and his indiſpoſition, taken together;—complaining of his being confined in one room, when he has other places that he might be in;—not to dine where he lies;—and that he ſhould be deemed a perſon ſo indiſpoſed, as not to be ſuffered to be his own maſter;—all which prevented him, his Majeſty told me laſt night, from ever thinking of taking the reins of government.

Is the Committee to underſtand from you, that thoſe ſort of complaints have been made by his Majeſty only once, or frequently?

They have been made vaguely frequently, but not to make one underſtand that he was ſenſible of his indiſpoſition, and the conſequence of it.

Then, in point of fact, Dr. Willis, till laſt night, had no reaſonable ground to attribute any ſymptoms in his Majeſty's diſorder to his recollection of his ſituation?

I do not attribute any of his ſymptoms to his recollection of his diſorder; I do not remember that I ever did.

Have his Majeſty's ſpirits appeared depreſſed or irritated by this conſciouſneſs, if, in point of fact, it did exiſt?

Not at all, as I know of; they are rather the conſequences of irritation, than the cauſe of them.

Do you remember to have written, on the fifth of this month, a letter containing the following paragraph: "His Majeſty can talk of and be "kept to any ſubject in general much better than heretofore; but is more "ſubject to guſts of paſſion upon any trifling contradiction, unleſs I or my "ſon are preſent; and this I rather attribute to his Majeſty's being more "ſenſible of himſelf and ſituation?"

Yes, I did write it, and think it.

To whom was that letter written?
I fancy it was to the Prince of Wales.

Did that letter commence by ſaying, "I am ſorry I cannot give your "Royal Highneſs ſo good an account this morning as I gave you when I "laſt did myſelf the honour to write to your Royal Highneſs;" and then did the paragraph laſt quoted follow?

It did; the reaſon of that letter commencing with thoſe words was, his Majeſty having had a very bad night, which the report to his Royal Highneſs would plainly ſhew, but which bad night did not at all prove that I had a worſe opinion of his Majeſty's recovery, though I could not give ſo favourable an account as I had ſome days before, when his Majeſty had had two or three very good nights; and I thought it neceſſary to give his Royal Highneſs my opinion of his Majeſty's ſtate ſeparate from his bad night.

Then you, in ſaying that his Majeſty could talk of and be kept to any ſubject in general much better, referred to his Majeſty's general ſituation?

To his ſituation at that time, becauſe the exacerbations of ſuch diſorders do not weaken in general the underſtanding in thoſe caſes; but as the patient recovers, we often find that the underſtanding is ſtrengthened after each, eſpecially if the time betwixt each is lengthened;—which has been the caſe of his Majeſty for this laſt three weeks or a month, I think; for though his Majeſty has guſts of paſſion, and is eaſily irritated, yet they are of very ſhort duration, in compariſon to what they were.

Were theſe guſts of paſſion of ſhorter duration than they had been when you wrote this letter to the Prince, on the fifth of January?

Very much ſo.

Were they more or leſs frequent at that time?

According as the people who were with him underſtood how to ſpeak to him, they were more or leſs frequent.

But, in point of fact, were they more or leſs frequent?

Leſs frequent I think, too.

Dr. Willis having taken a diſtinction with regard to his ſigning the account ſent to St. James's, will he inform the Committee whether he does not hold himſelf reſponſible for the truth of the accounts he ſends to his Royal Highneſs the Prince of Wales, which he ſigns alone, and that they ſhall contain the real ſtate of the King's ſituation?

To be ſure.

Will you inform the Committee why you informed his Royal Highneſs, on the fifth of January inſtant, that his Majeſty was more ſubject to guſts of paſſion upon any trifling contradiction, unleſs you or your ſon was preſent at that time, than before—when you now inform the Committee that thoſe guſts of paſſion were then leſs frequent than they had been?

His Majeſty began to feel himſelf more in his own ſituation as King, and could not bear to be contradicted ſo well by either Pages or attendants, and conſequently would break out in guſts of paſſion upon things that they did for him, perhaps not in a manner that his Majeſty thought became them, and which they had uſed themſelves to when his Majeſty was not ſo well.

Is it to this that you attribute the guſts of paſſion being then more frequent, as deſcribed?

Yes—and it required a more delicate behaviour than it had done before.

Then your having obſerved thoſe circumſtances, namely, the frequent guſts of paſſion, in his Majeſty, and that his Majeſty felt himſelf more in his own ſituation as King, ſo as to make a more delicate behaviour neceſſary to him; and having, on the fifth of January, informed his Royal Highneſs that you attributed ſuch guſts of paſſion to his Majeſty being more ſenſible of himſelf and ſituation;—you will now inform the Committee why you declared yourſelf, on Saturday laſt, not to be ſure that his Majeſty had been ſenſible of the nature of his illneſs; and why you now have informed the Committee, that it has been within this week only, and more particularly laſt night, that you have perceived ſuch ſymptoms or effects?

His ſituation, as King, is different from the nature of his illneſs.

Do you not mean, when you ſtate the King in that letter to be more ſenſible of himſelf and ſituation, that he was ſenſible both of his being King, and of the circumſtances which muſt bring to his mind his malady?

No: I mean being King, and being confined in a room.

Then

Then have you, or have you not, ſeen in the King any ſymptoms of his recollection of his malady?

I think I did particularly laſt night.

Did you never before laſt night?

I may have ſaid that I thought I had, but I am not ſure.

Whether the converſation you had with his Majeſty laſt night has not now led you to be more certain, that, on former occaſions, his Majeſty was, in fact, ſenſible of the nature of his illneſs, though, at the time, that circumſtance was only vaguely hinted at by his Majeſty, or conjectured by you?

Much more ſo.

Is the Committee to underſtand, that, previous to the fifth of January, the exacerbations of his Majeſty's diſorder were more ſtrong and more frequent, though his Majeſty might become, at that time, from the reaſon you have already given, more ſubject to particular guſts of paſſion upon any trifling contradiction, unleſs you or your ſon was preſent?

Yes, certainly.

Do you mean to ſay, that the obſervation you made on his Majeſty laſt night could at all have affected any opinion you formed, or any communication you made, on the fifth inſtant?

Not at all.

Why you, having obſerved, as you ſtate in your letter to his Royal Highneſs on the fifth inſtant that you did, that his Majeſty's frequent guſts of paſſion were to be attributed to his Majeſty being more ſenſible of himſelf and ſituation—why you informed the Committee, on Saturday laſt, that you had now leſs apprehenſions with reſpect to the conſequences of his Majeſty's reflecting upon his illneſs, than when you was examined before the former Committee?

Becauſe I was then better acquainted with his Majeſty's principles, and notions of religion, than I was before.

Withdrew.

Veneris, 9° die Januarii, 1789.

The Reverend Dr. FRANCIS WILLIS again called in, and aſked,

WHETHER your ſon, Dr. John Willis, is a Phyſician?

He took his degrees at Edinburgh about fourteen years ago—has practiſed as a Phyſician ever ſince—he was bred up at Oxford—ſtudied phyſic there firſt, and was afterwards four or five years at Edinburgh.

How long has he attended his Majeſty?

He came the Thurſday after I came—I came on the Friday.

Has he been conſulted as a Phyſician ſince he has attended at Kew?

As to the medicines—and, though he has not ſigned the report, always was conſulted about it.

Was

Was Dr. John Willis ever conſulted by the other Phyſicians in forming any preſcription for medicine to be given to his Majeſty?
I think I anſwered before that he was.

Has he ever ſigned his name to any one preſcription?
Several.

For his Majeſty?
I think ſo—am pretty ſure ſo—there never was any preſcription without his being there.

Then you underſtand that all the other Phyſicians conſider Dr. John Willis, and act with him, as a Phyſician atteuding on his Majeſty, and not an aſſiſtant to you in the care of the King?
I underſtand as a Phyſician.

Why has Dr. John Willis never ſigned the report ſent to St. James's?
I never knew any reaſon.

By whoſe direction was Dr. John Willis ſummoned to attend his Majeſty?
I underſtood by the Privy Council—Lord Sydney ſent the letter.

When was the letter ſent?
I believe it was on the Monday or Sunday before he came.

Who informed you that the Privy Council ſent for your ſon?
Lord Sydney ſent the meſſenger, that is all I know.

To whom was the letter ſent?
To Dr. J. Willis.

Whether you know that it was at the deſire of the Phyſicians the letter was ſent, or at whoſe deſire?
I really do not know—but I believe Dr. Warren firſt ſaid that I could not attend enough, that it would be too much for me.

Whether you ſign the preſcriptions?
I ſign them, or give my conſent to the Phyſician that writes to ſign my name.

When Dr. Warren mentioned that your ſon ſhould be called on, as you could not attend enough, did you underſtand that Dr. Warren meant as an aſſiſtant, or as a Phyſician?
As a Phyſician as well as any thing elſe—not as an aſſiſtant diſtinguiſhed from a Phyſician.

Do you conſider your ſon as in any degree reſponſible for the medicine adminiſtered to his Majeſty?
I imagine ſo. Withdrew.

Dr. RICHARD WARREN again called in, and exaxamined.

Whether you conſider Dr. J. Willis as attending his Majeſty in the character of a Phyſician, or as an aſſiſtant to Dr. Willis in the care and management of his Majeſty?
I have always conſidered him as an aſſiſtant.

Do you conſult with Dr. J. Willis, as a Phyſician, before you preſcribe for his Majeſty?
Dr. J. Willis is generally, I believe I may ſay almoſt always, preſent at the conſultations; we enquire of him how the King has paſſed his time—When medicines are propoſed, Dr. J. Willis has often ſpoke upon the ſubject

ject of them, and attention has been paid to what he ſaid—yet at the ſame time I conſidered him only as an amicus curiæ.

Do you not make the ſame ſort of enquiries from the other four medical gentlemen who are in attendance on his Majeſty?
Yes; but they do not talk about medicines.

Do you conſider Dr. J. Willis as reſponſible with with you in the preſcriptions and phyſical treatment of the King?
I think not.

Does Dr. J. Willis ſign thoſe preſcriptions with you?
It is uſual for the writer of the preſcriptions to put down the initials of the names of the conſulted Phyſicians—I believe when I have written the preſcription, I have never put his name down.

In that caſe then, as far as you are concerned, Dr. J. Willis is reſponſible for the medicines adminiſtered?
No.

Does Dr. J. Willis ſign the reports ſent to St. James's?
No.

If he had acted, and had been conſulted, and conſidered as a Phyſician attending on his Majeſty, would it not have been right and neceſſary that he ſhould have taken his ſhare of the reſponſibility in both or either of thoſe reſpects?
It would be certainly right that he ſhould.

Has Dr. Willis, the father, ſigned the preſcriptions, and from what time?
I apprehend the father's name is put down to the preſcriptions from the time that he came.

When did he ſubſcribe his name to the reports?
I do not exactly know the time, it is eaſily ſeen.

Did he deſire ſo to do?
I underſtood from the Chancellor that he did.

Have the other Phyſicians, or any of them, ſubſcribed the initials of Dr. J. Willis's name to preſcriptions for his Majeſty?
I do not know—but I have been told that ſome of them have.

Do you conſider Dr. J. Willis more in the character of a Phyſician, with reſpect to his ſituation about the King, than the four other Medical Gentlemen attending his Majeſty, namely, Mr. Hawkins, Mr. Keate, Mr. Dundas, and Mr. Battiſcombe?
More reſpect is due and paid to him, becauſe he has taken a degree.

But with reſpect to his ſituation about the King, do you act with him, or conſider him more in the light of a Phyſician than thoſe four Gentlemen?
No.

Would not the ſame attention have been paid to any other Phyſician then preſent, who had ſeen his Majeſty, though not at all attending as a Phyſician to his Majeſty?
Provided there was no impertinence in his being there.

If, after Dr. J. Willis converſed with Dr. Warren upon the ſubject of the medicines for his Majeſty, Dr. J. Willis had deſired Dr. Warren, when he was writing the preſcription, to put the initials of Dr. J. Willis to ſuch preſcription, or to permit him, Dr. J. Willis, to do ſo, Dr.

Warren

Warren, knowing that Dr. J. Willis had been educated at Oxford, and had taken a Doctor's degree at Edinburgh, and had practiſed phyſic for thirteen or fourteen years ſince he took that degree, would have made the ſame objection to adding ſuch initials or permitting them to be added to the preſcription, as he would have done if the Surgeons and Apothecaries, all or any of them, had made the ſame requeſt with reſpect to their own initials?

The queſtion muſt have been, whether Dr. John Willis was authorized to act there as a Phyſician.

Conſidering the circumſtances of Dr. John Willis's attendance upon his Majeſty, and that he is a Phyſician who has been educated and has taken a degree, in the manner mentioned in the laſt queſtion—if Dr. John Willis had made ſuch a requeſt with reſpect to his initials, ſhould Dr. Warren have thought it an impertinent requeſt?

Certainly—unleſs he was conſidered as reſponſible for the medicines.

Then does Dr. Warren conſider the other Phyſicians, if any, who have put the initials, or permitted the initials of Dr. John Willis to be put to their preſcriptions, as having done, or ſuffered to be done, an improper act, conſidering the circumſtances under which Dr. John Willis attends his Majeſty?

I can only anſwer for my own conduct—I think I ſhould not be called upon to judge of others.

If Dr. Warren had permitted the initials of Dr. John Willis to be put to a preſcription, does he think (anſwering for his own conduct, if it had been ſuch) that he would have done an improper act, conſidering the circumſtances under which Dr. John Willis attends his Majeſty?

I ſhould never conſider it as a permiſſion, unleſs I had been aſked whether his initials ſhould be put down; becauſe they are often written by the preſcribing Phyſician after the preſcription has been agreed to, and the initials not particularly examined.

Whether, if his permiſſion had been aſked, when a preſcription was written by himſelf, or any other of his Majeſty's Phyſicians, to put the initials of Dr. John Willis to ſuch preſcription, together with his own name; and if he had given that permiſſion, Dr. Warren, anſwering for his own conduct, would have thought he had done an improper act in giving his permiſſion, conſidering the circumſtances under which Dr. John Willis attends his Majeſty, and conſidering the circumſtances of his education at Oxford, the fact of his having taken the degree of Doctor of Phyſic at Edinburgh, and the fact of his having practiſed as a Phyſician for thirteen or fourteen years paſt?

The propriety of putting the initials down muſt depend upon the reſponſibility of the perſon.

Whether, the ſeveral circumſtances mentioned in the foregoing queſtions being duly attended to, if Dr. John Willis had this morning aſked Dr. Warren's permiſſion to put his initials to a preſcription, Dr. Warren would this morning have refuſed to give ſuch permiſſion?

Degrees in phyſic give no authority to practiſe in London, or within ſeven miles of London; there is no other qualification than that of being a Fellow or Licentiate of the College of Phyſicians.—If the circumſtance of being about his Majeſty induced me to think him reſponſible for the medicines, I ſhould have put the initials down.

In point of fact, due attention being paid to all the circumſtances relative to Dr. John Willis's attendance upon his Majeſty, would Dr. Warren

Warren this morning have refuſed to permit the initials of Dr. John Willis to be put to a preſcription, upon the conviction of his (Dr. Warren's mind that thoſe circumſtances do not make him reſponſible in ſuch a degree as to make it ſufficiently proper that thoſe initials ſhould be put; and whether the fact of his Majeſty's being at Kew would induce Dr. Warren to form an opinion upon the propriety of giving ſuch permiſſion, different from the opinion which he might have on ſuch propriety if his Majeſty was at Windſor?

The rule to guide me, whether the initials of a perſon attending his Majeſty ſhould be put down to a preſcription, muſt be my being informed that that perſon is put about the King by proper authority.

Has Dr. Warren, in point of fact, written many of the preſcriptions for his Majeſty, and ſubſcribed the initials of the other Phyſicians?

I have not written many ſince his Majeſty came to Kew; but when I have written, I have put down the initials of the Phyſicians preſent.

Whether you know that a letter was written by Lord Sydney to bring Dr. John Willis to town?

I know of no ſuch thing as a letter written by Lord Sydney.

Do you know in what manner Dr. John Willis was ſent for to attend the King?

I conſulted the Chancellor and Mr. Pitt on the propriety of Dr. Willis's ſervants being ſent for—They were ſent for with the conſent of the Chancellor and Mr. Pitt.—Dr. Willis wrote the letter, and I believe I adviſed him to ſend for his ſon to aſſiſt him.

Has any other of the perſons then ſent for up been preſent at a conſultation, and given an opinion reſpecting the medicines?

No.

Whether Dr. Warren did not know that there was other approbation, beſides the Chancellor and Mr. Pitt, for ſending for Dr. Willis's ſervants?

Not for ſending for them, but for making uſe of them afterwards.

What other approbation was there for making uſe of them?

I underſtood that it was communicated to Dr. Willis—the Doctor told me he had authority to make uſe of thoſe ſervants.

Does Dr. Warren apprehend that Dr. John Willis's attendance was with the knowledge or approbation of any of the Royal Family?

I could not think otherways, but I never was told ſo.

Did Dr. Warren conceive that the approbation of any of the Royal Family given to the attendance of Dr. John Willis was given as a Phyſician, or as the principal perſon to direct the ſervants of Dr. Willis?

Not as a Phyſician, but as aſſiſtant to his father.

On what grounds does Dr. Warren entertain that opinion?

Becauſe, upon enquiry, ſoon after his arrival, when a preſcription was written, whether John Willis's name was to be put to it, he declined it.

By whom and of whom was that enquiry made?

By one of the Phyſicians aſking, at a morning conſultation, whether Dr. John Willis's name was to be put to it.

Did Dr. John Willis decline.

Yes.

Were

Were any obſervations made upon it by any one elſe?
I believe not.

Had Dr. John Willis not declined to ſign the preſcription, ſhould you have had any objection?
I ſhould then have ſuppoſed that he had had authority to act as a Phyſician.

Dr. Warren having ſaid, that he beliedve that other Phyſicians have put Dr. John Willis's initials to preſcriptions, ſhould he, in that caſe, conclude that Dr. John Willis has authority to attend his Majeſty?
Dr. Warren can only anſwer for the motives of his own conduct.

Whether, when you recommend it to his Majeſty's Miniſters to ſend for Dr. John Willis, you intended to recommend it to them to ſend for him in the character of an additional conſulting Phyſician, or as an aſſiſtant to his Father in the care and management of the King?
I did not recommend it to Miniſters to ſend for John Willis at all, that I know of.—I recommended it to Miniſters to ſend for Dr. Willis's ſervants; and I adviſed the Doctor to ſend for his ſon to aſſiſt him, becauſe I thought the confinemet more than he could ſubmit to.

Whether you had, either to his Majeſty's Miniſters or to Dr. Willis, ever ſuggeſted a wiſh that Dr. John Willis ſhould be called in to aid his Majeſty's Phyſicians in conſultation?
No.

Whether any notification from authority was ever made to you, that Dr. John Willis was to be conſidered in that light?
No.

Whether you have ever heard from any of your brethren, the King's Phyſicians, that notification to that effect had been made to them?
No.

Whether you explained, either to Dr. Willis the father, or to Dr. John Willis, that Doctor John Willis was ſent for as the director of Dr. Willis's other ſervants, and not in the ſame character as Dr. Willis himſelf, as a Phyſician who had dedicated his attention particularly to that branch of medicine?
Dr. Willis's ſon was ſent for merely at my own ſuggeſtion, as I apprehend, to aſſiſt his father, without my knowing that he had even taken a degree.

When you underſtood that Dr. John Willis was a regular-bred Phyſician, did you then make the explanation as ſtated in the former queſtion?
I do not recollect that I ſaid any thing to him upon the ſubject.

Withdrew.

AN

AUTHENTIC COPY

OF

Mr. PITT's LETTER

TO

HIS ROYAL HIGHNESS

THE

PRINCE of WALES,

WITH

HIS ANSWER.

LONDON:

PRINTED FOR JOHN STOCKDALE, OPPOSITE

BURLINGTON HOUSE, PICCADILLY.

MDCCLXXXIX.

A

GENUINE COPY,

&c. &c. &c.

To his ROYAL HIGHNESS the PRINCE of WALES.

SIR,

THE proceedings of Parliament being now brought to a point, which will render it neceſſary to propoſe to the HOUSE of COMMONS, the particular meaſures to be taken for ſupplying the defect of the Perſonal Exerciſe of the ROYAL AUTHORITY during the preſent interval, and your ROYAL HIGHNESS having ſome time ſince ſignified your

pleaſure, that any communication on this ſubject ſhould be in writing, I take the liberty of reſpectfully entreating YOUR ROYAL HIGHNESS's permiſſion to ſubmit to your conſideration the out-lines of the plan which HIS MAJESTY's *Confidential Servants* humbly conceive, (according to the beſt judgment which they are able to form) to be proper to be propoſed in the preſent circumſtances.

It is their humble opinion, that YOUR ROYAL HIGHNESS ſhould be empowered to Exerciſe the ROYAL AUTHORITY in the *name* and *on the behalf* of HIS MAJESTY, during HIS MAJESTY's illneſs, and to *do all Acts* which might legally be done by HIS MAJESTY; with proviſions, nevertheleſs, that the *care of* HIS MAJESTY's *Royal Perſon*, and the management of HIS MAJESTY's *Houſehold*, and the *direction and appointment of the Officers and Servants therein*, ſhould be in *the* QUEEN, under ſuch Regulations as may be thought neceſſary. — That the Power to be Exerciſed by YOUR ROYAL HIGHNESS ſhould not extend to the granting the Real or Perſonal PROPERTY of the KING, (except as far as relates to the *Renewal of Leaſes*) to the granting any OFFICE in Reverſion, or to the granting, for any other Term than during HIS MAJESTY's pleaſure, any PENSION, or

any

any Office whatever, *except ſuch as muſt be by law granted for Life, or during good behaviour*, nor to the granting any Rank or Dignity of the PEERAGE of this Realm, to any Perſon, except HIS MAJESTY'S ISSUE who ſhall have attained the age of twenty-one years. Theſe are the principal points which have occurred to HIS MAJESTY'S *Miniſters*.

I beg leave to add, that their ideas are formed on the ſuppoſition that HIS MAJESTY'S Illneſs is only *temporary*, and may be of no *long duration*. It may be difficult to fix before-hand, the preciſe period for which theſe Proviſions ought to laſt; but if unfortunately HIS MAJESTY'S Recovery ſhould be protracted to a more diſtant period, than there is reaſon at preſent to imagine, it will be open hereafter to the wiſdom of PARLIAMENT, to re-conſider theſe proviſions, whenever the circumſtances appear to call for it.

If YOUR ROYAL HIGHNESS ſhould be pleaſed to require any further explanation on the ſubject, and ſhould condeſcend to ſignify your orders that I ſhould have the honour of attending YOUR ROYAL HIGHNESS for that purpoſe, or to intimate any other mode in which YOUR ROYAL HIGHNESS may wiſh to receive ſuch explanation, I ſhall reſpect-

fully wait Your ROYAL HIGHNESS's commands.

I have the honour to be,
With the utmoſt deference and ſubmiſſion,
SIR,
YOUR ROYAL HIGHNESS's
Moſt dutiful
And devoted Servant,
W. PITT.

Downing-Street,
Tueſday Night, Dec. 30. 1789.

AUTHENTIC COPY *of*
HIS ROYAL HIGHNESS the PRINCE of WALES's Anſwer to Mr. PITT's *Letter.*

THE PRINCE of WALES learns from Mr. *Pitt*, that the proceedings in Parliament are now in a train which enables Mr. *Pitt*, according to the intimation of his former letter, to communicate to the PRINCE, the outlines of the plan which His MAJESTY's confidential Servants conceive proper to be propoſed in the preſent circumſtances.

Concerning

Concerning the ſteps already taken by Mr. *Pitt*, the PRINCE is ſilent—Nothing *done* by the two Houſes of Parliament can be a proper ſubject of his animadverſion; but when, previouſly to any diſcuſſion in Parliament, the outlines of a ſcheme of Government are ſent for his conſideration, in which it is propoſed that he ſhall be perſonally and principally concerned, and by which the Royal Authority, and the public welfare, may be deeply affected, the PRINCE would be unjuſtifiable, were he to with-hold an explicit declaration of his ſentiments. His ſilence might be conſtrued into a previous approbation of a plan, the accompliſhment of which every motive of duty to his FATHER and SOVEREIGN, as well as a regard for the public intereſt, obliges him to conſider as injurious to both. In the ſtate of deep diſtreſs, in which the PRINCE, and the whole ROYAL FAMILY were involved, by the heavy calamity which has fallen upon the KING, and at a moment when Government, deprived of its chief energy and ſupport, ſeemed peculiarly to need the cordial and united aid of all deſcriptions of good ſubjects, it was not expected by the PRINCE, that a plan ſhould be offered to his conſideration, by which Government was to be rendered difficult, if

not impracticable, in the hands of any perſon intended to repreſent the KING's Authority, much leſs in the hands of his ELDEST SON—the HEIR APPARENT of his kingdoms, and the perſon moſt bound to the maintenance of His MAJESTY's juſt Prerogatives and Authority, as well as moſt intereſted in the happineſs, the proſperity, and the glory of the People.

The PRINCE forbears to reaſon on the ſeveral parts of the ſketch of the plan laid before him; he apprehends it muſt have been formed with ſufficient deliberation to preclude the probability of any argument from him producing an alteration of ſentiment in the projectors of it. But he truſts, with confidence, to the wiſdom and juſtice of Parliament, when the whole of the ſubject, and the circumſtances connected with it, ſhall come under their deliberation.

He obſerves therefore only generally on the heads communicated by Mr. *Pitt*; and it is with deep regret the PRINCE makes the obſervation, that he ſees, in the contents of that letter, a project for producing weakneſs, diſorder, and inſecurity in every branch of the Adminiſtration of Affairs.—A project for dividing the ROYAL FAMILY from

each

each other—for ſeparating the Court from the State, and thereby disjoining Government from its natural and accuſtomed ſupport.—A ſcheme diſconnecting the authority to command ſervice, from the power of animating it by reward; and for allotting to the PRINCE all the inviduous duties of Government, without the means of ſoftening them to the people, by any one act of grace, favour, or benignity.

The PRINCE's feelings on contemplating this plan, are alſo rendered ſtill more painful to him, by obſerving, that it is not founded on any general principle, but is calculated to infuſe jealouſies and diſtruſt (wholly groundleſs, he truſts) in that quarter, whoſe confidence it will ever be the firſt pride of his life to receive and merit. With regard to the motive and object of the Limitations and Reſtrictions propoſed, the PRINCE can have but little to obſerve. No light or information whatever is afforded him by His MAJESTY's Miniſters on thoſe points. They have informed him *what* the powers are, which they mean to *refuſe* him, not *why* they are *with-held*.

The PRINCE, however, holding as he does, that it is an undoubted and fundamental principle of the Conſtitution, that the powers

ers and prerogatives of the Crown are veſted there, as a truſt for the benefit of the People, and that they are ſacred only as they are neceſſary to the preſervation of that power and balance of the Conſtitution, which experience has proved to be the true ſecurity of the liberty of the ſubject, muſt be allowed to obſerve, that the plea of public utility ought to be ſtrong, manifeſt, and urgent, which calls for the extinction or ſuſpenſion of any one of thoſe eſſential rights in the Supreme Power, or its Repreſentative; or which can juſtify the PRINCE in conſenting, that, in his perſon, an experiment ſhall be made to aſcertain with how ſmall a portion of Kingly Power the Executive Government of this country may be carried on.

The PRINCE has only to add, that if ſecurity for His MAJESTY's re-poſſeſſing his rightful Government, whenever it ſhall pleaſe Providence, in bounty to the country, to remove the calamity with which he is afflicted, be any part of the object of this plan, the PRINCE has only to be convinced, that any meaſure is neceſſary, or even conducive to that end, to be the firſt to urge it as the preliminary and permanent conſideration of any ſettlement in which he could conſent to ſhare.

If

If attention to what it is preſumed might be His MAJESTY's feelings and wiſhes on the happy day of his recovery, be the object, the PRINCE expreſſes his firm conviction, that no event would be more repugnant to the feelings of his ROYAL FATHER, than the knowledge, that the Government of his SON and Repreſentative had exhibited the Sovereign Power of the realm in a ſtate of degradation, of curtailed authority, and diminiſhed energy—a ſtate, hurtful in the practice to the proſperity and good Government of his People, and injurious in its precedent to the ſecurity of the MONARCHY, and the rights of his Family.

Upon that part of the plan which regards the KING's real and perſonal property, the PRINCE feels himſelf compelled to remark, that it was not neceſſary for Mr. *Pitt*, nor proper, to ſuggeſt to the PRINCE, the reſtraint he propoſes againſt the PRINCE's granting away the KING's real or perſonal property.

The PRINCE does not conceive, that, during the KING's life, he is, by law, entitled to make any ſuch grant; and he is ſure, that he has never ſhewn the ſmalleſt inclination for poſſeſſing any ſuch power. But it remains with

Mr.

Mr. *Pitt* to conſider the eventual intereſts of the ROYAL FAMILY, and to provide a proper and natural ſecurity againſt the miſmanagement of them in others.

The PRINCE has diſcharged an indiſpenſible duty, in thus giving his free opinion on the plan ſubmitted to his conſideration.

His conviction of the evils which may ariſe to the KING's intereſts, to the peace and happineſs of the ROYAL FAMILY, and to the ſafety and welfare of the nation, from the government of the country remaining longer in its preſent maimed and debilitated ſtate, outweighs, in the PRINCE's mind, every other conſideration, and will determine him to undertake the painful truſt impoſed upon him by the preſent melancholy neceſſity (which of all the KING's ſubjects he deplores the moſt) in full confidence, that the affection and loyalty to the KING, the experienced attachment to the HOUSE of BRUNSWICK, and the generoſity which has always diſtinguiſhed this nation, will carry him through the many difficulties, inſeparable from this moſt critical ſituation, with comfort to himſelf, with honour to the KING, and with advantage to the Public.

☞ *The Editor, for delicate Reaſons, has poſtponed the* Conſtitutional Remarks *to the next Edition.*

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DEBATES

IN THE

HOUSE OF LORDS,

ON THE

SUBJECT

OF A

REGENCY.

Thurſday, November 20, 1788.

THEIR Lordſhips began to come down to the Houſe at half paſt Two o'clock, and at half paſt Three the Houſe was very full of Peers. About Four o'clock the Lord Chancellor came, and took poſſeſſion of the Woolſack, and their Lordſhips then proceeded to prayers; which being finiſhed,

Lord *Chancellor* came forward, and ſaid, That their Lordſhips had been called unuſually together in conſequence of the laſt Commiſſion for the Prorogation of Parliament having expired; his Lordſhip added, that holding the office which he did, it would have been his duty to have received his Majeſty's directions reſpecting a further prorogation; but the reaſon of the omiſſion was, "The ſeverity of the diſorder under which his Majeſty unfortunately labours, had Lord Chancellor

rendered it impoſſible for him to approach his Royal Perſon to receive thoſe Commands."

Earl Camden. Earl *Camden* roſe next, and ſaid, he would trouble their Lordſhips only with a very few words. The Earl then ſpoke to the propriety of the day on which it would be proper to adjourn the Houſe. He obſerved that it had been uſual to give *forty* days notice, but that the neceſſity of the times had often made it neceſſary to limit the period, and confine the notice to a much ſhorter duration; his Lordſhip inſtanced caſes of rebellion, invaſion, &c. as the circumſtances and ſituations of the country to which he referred, and having drawn a diſtinction with regard to the preſent caſe, concluded with moving to reſolve,

1ſt. "That this Houſe do at the riſing thereof adjourn to this day fortnight."

2d. "That the Lord Chancellor be directed to write to each and every Lord of that Houſe, deſiring their attendance on that day."

The Lord Chancellor then put the queſtions ſeparately, which were agreed to *nemine diſſentiente*, and the Houſe then adjourned to Thurſday the 4th day of December.

Thurſday, December 4.

The Houſe met according to adjournment, and as ſoon as prayers were over,

Lord Chancellor. The Lord *Chancellor* informed the Houſe, that in obedience to their commands, he had ſent letters round to every Peer, earneſtly requeſting their attendance that day, and that he had received letters in anſwer from ſuch Lords as were then abſent (naming them) ſtating that their abſence was cauſed by illneſs, and that they hoped for their Lordſhips indulgence on not ſeeing them that day in their places.

Several other Lords made ſimilar excuſes for the Duke of Bolton, and other Peers.

Lord Preſident. The Lord *Preſident of the Council* next roſe, and lamented that their Lordſhips had again been obliged to aſſemble, without hearing a ſpeech

a ſpeech from the Throne, a circumſtance occaſioned by the continued infirmity of his Majeſty, which ſtill rendered him incapable of meeting his Parliament, or attending to any public buſineſs whatever: by the abſence and incapacity of the King, the Earl obſerved, that the Legiſlature was defective and incomplete, whence all the functions of the executive Government of the country were actually ſuſpended: that it was impoſſible for the country to remain in that condition, and that in the maimed and diſmembered ſtate of the Legiſlature, it devolved on the two Houſes of Parliament to make ſome proviſion to ſupply the deficiency, and ſuch a proviſion as ſhould be competent to the neceſſity of the caſe; but before the two branches of the Legiſlature took any one ſtep on a ſubject of ſo truly delicate and important a nature, the neceſſity of the caſe muſt be proved. With that view therefore, and with that view only, the Lords of the Council had called the five Phyſicians who attended his Majeſty during his illneſs before the Board, and had ſeverally examined them on oath as to the ſtate of the King's health, and their opinion of the duration of his malady, and the probability of his recovery. This, (although the Lords of the Council had, as it were, loſt the ſpring and motion of moſt of their conſultations and functions,) he conceived the Board might legally do, as the precedents of their proceedings under former ſimilar ſituations of the country ſufficiently evinced. It had not, he ſaid, been deemed wiſe, or proper, that every queſtion that of a ſudden might ſtart into the head of any individual Lord of the Council ſhould be put to the Phyſicians, and therefore it had been ſettled what queſtions ſhould be put to them, and by whom, previous to their having been called into the Board Room, and a Minute of the whole examinations had been taken down in writing at the time. With the leave of their Lordſhips, he would preſent a copy of the Minute of the queſtions that had been put to the Phyſicians, and their anſwers: from which their Lordſhips would know authentically what was the ſtate of his Majeſty's health, and the opinion of his Phyſicians, as to the probability of his recovery.

The Queſtion having been put, "That the Minute be preſented," ordered.

The Reading Clerk then read the Minute, which contained the Examinations of Dr. Warren, Sir George Baker, Sir Lucas Pepys,

Dr. Reynolds, and Dr. Addington. The firſt Queſtion put to each of the Phyſicians was, in ſubſtance, "Whether they thought his "Majeſty's preſent Indiſpoſition rendered him incapable of meeting "his Parliament, or attending to any ſort of Public Buſineſs?" To which they all in different words declared, that "he certainly "was incapable." The other Queſtions went to their opinion of the probability of his recovery, and the duration of his illneſs, and to the grounds on which they founded their ſeveral anſwers, whether from any particular ſymptom in his Majeſty's diſorder, from experience, or, from both? They all aſſigned reaſons for thinking that his Majeſty was likely to recover, but could give no ſatisfaction as to the time of the duration of his Majeſty's illneſs, and declared their opinions were not founded on any particular ſymptom in his Majeſty's caſe, but from their own experience, and the experience of thoſe Phyſicians who had been accuſtomed more eſpecially to attend patients labouring under the ſame infirmity with which his Majeſty was afflicted, and who had made that branch of medicine the peculiar object of their practice.

Dr. Addington, in the courſe of his examination, ſpoke in very ſtrong terms of the probability of his Majeſty's recovery, grounding his opinion on his own experience in that peculiar branch of medicinal practice, from which he was enabled to pronounce, that unleſs the diſorder had been hereditary, there was every reaſon to expect a cure, and that afterwards his Majeſty would be in as good health, and as capable of attending to buſineſs, as he was at any time previous to the commencement of his illneſs. That he had met with frequent inſtances of a ſimilar caſe in the neighbourhood of Reading, where he reſided; that he had many years ſince built an houſe adjoining to his own, for the reception of patients afflicted with the ſame malady; that he had generally eight or ten of them in the houſe; and that, unleſs the patients at the time of their admiſſion had been upon reaſonable grounds deemed incurable, he ſcarcely remembered one who had not perfectly recovered in leſs than a year; and that in ſome inſtances, notwithſtanding they had laboured under the infirmity for one year, or more, before they were ſent to him.

As ſoon as all the examinations had been read, the Lord *Preſident* moved, "That the Minute do lie upon the table," which, on the queſtion put, was agred to.

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The Lord *Preſident* next moved, "That the ſaid Minute be taken "into conſideration on Monday next, and that the Lords be "ſummoned."

This was alſo agreed to *nemine diſſentiente*, and the Houſe then adjourned to Monday.

Monday, December 8.

Soon after the Lord Chancellor had taken his ſeat on the Woolſack, the Marquis of Stafford roſe, and acquainted the Houſe with the indiſpoſition of the Lord Preſident, and ſaid he ſhould, with ſubmiſſion, propoſe a few queſtions for their Lordſhips conſideration. His Lordſhip then obſerved, that the Report of the Minutes of Council, which had been preſented to that Houſe on Thurſday laſt by the noble Earl then abſent, had been ordered to be taken into conſideration that day, but, before he ſubmitted any matter to the Houſe, he thought it his duty to acquaint their Lordſhips that two other Gentlemen of the Faculty had been called in to attend his Majeſty on the preſent melancholy occaſion, and therefore ſome noble Lords might think it neceſſary that the examination of thoſe perſons ſhould likewiſe be taken. Marquis of Stafford

This brought on a converſation, in which Lord Kinnaird, the Duke of Norfolk, Lord Derby, Lord Portcheſter, Lord Radnor, Lord Loughborough, Lord Carliſle, Lord Stormont, and Lord Fauconber ſaid a few words.

The Marquis of Stafford then moved,

"That a Select Committee be appointed to enquire into the "preſent State of his Majeſty's health."

"That the ſaid Committee do conſiſt of twenty-one Lords."

"That each Lord do leave with the Clerk at the Table a Liſt, "containing the names of twenty-one Lords."

The ſeveral Phyſicians were, upon Motion, ordered to attend the Committee.

Thurſday, December 11.

As ſoon as Prayers were over, and the Lord Chancellor had taken the Woolſack, the Report from the Committe "appointed to

" examine the Phyſicians who have attended his Majeſty, touching " the State of his Health," was made by the Lord Preſident, which, upon Motion, was read by the Clerk, and ordered to be printed for the uſe of their Lordſhips.

Lord Preſident.

The Lord *Preſident* obſerved to their Lordſhips, that the Examinations that had been juſt read, ſufficiently evinced the melancholy ſituation of his Majeſty's health; but as his Majeſty's Phyſicians could not give their Lordſhips any ſatisfaction as to the time when his Majeſty would recover, it was incumbent on the two Houſes of Parliament, in the preſent maimed, impotent, and defective condition of the Legiſlature, to proceed to make ſome proviſion for the purpoſe of ſupplying the deficiency, and reſtoring energy and exertion to the executive Government of the country. Before, however, they proceeded to that very important and neceſſary ſtep, he ſhould take the liberty of moving for a Committee to ſearch for and report Precedents of the proceedings in ſimilar caſes, or caſes at all analagous to the preſent, in order that having fully before them what the wiſdom of their anceſtors deemed neceſſary modes of proceeding in caſes of difficulty and danger, they might meet the neceſſity of the moment under circumſtances of the greater ſafety. The propriety of ſuch a Motion was ſo obvious, that he ſhould have conceived no poſſible objection could have been offered to it, but that it would have paſſed as a Motion of courſe; he had, however, heard of an idea that had been ſtarted in another place, where it had been declared to have been founded in common law and in the ſpirit of the Conſtitution. If ſuch was the common law, and ſuch the ſpirit of the Conſtitution, his Lordſhip declared it was wholly unneceſſary for the Houſe to give themſelves the trouble of ſearching for Precedents, becauſe the idea to which he alluded put an end at once to their power of deliberation on the ſubject. The idea was, that the Heir Apparent being of age, had a *claim* to aſſume the regal authority, and take upon himſelf the adminiſtration of the Government *as a matter of right*, during the period that his Majeſty laboured under the diſorder that rendered him unable to diſcharge the regal functions. If this was the common law, his Lordſhip proteſted it was a ſecret to him; he never had entertained any ſuch notion, nor had he, before the preſent occaſion, either met with it in any writer, or heard it laid down as a maxim by any lawyer whatever.

ever. Thoſe who broached ſuch a notion, his Lordſhip ſaid, would have done well to have been ſure that they were right, before they hazarded ſo new and ſo extraordinary a doctrine, becauſe opinions of that tendency were much ſooner raiſed than laid, and might involve the country in infinite confuſion and diſorder. The aſſertion of ſuch doctrine, however, was as ſtrong an argument in proof of the expediency of the Motion he meant to offer as could poſſibly be urged, becauſe their Lordſhips, he conceived, had too much regard to their own dignity to admit themſelves to be Uſurpers of the Rights of another, without firſt ſearching and examining Precedents that would convince them whether they were Uſurpers or not. Having made a prefaratory ſpeech to this effect, the Lord Preſident moved,

"That a Committee be appointed to examine and report Pre-
"cedents of ſuch proceedings as may have been had, in caſe of the
"perſonal exerciſe of the Royal Authority being prevented or in-
"terrupted by infancy, ſickneſs, infirmity, or otherwiſe, with a
"view to provide for the ſame."

Lord *Loughborough* roſe the moment the Motion was handed to the Lord Chancellor, and ſaid he was aware that it was unuſual for any Lord to ſpeak before a Motion had been read by the noble and learned Lord on the Woolſack, but on the preſent occaſion he muſt claim the indulgence of their Lordſhips for a few moments, as he wiſhed to declare that he had not upon his coming down to the Houſe expected that any thing could ariſe to make it neceſſary for him to trouble the Houſe that day. His being preſent was, upon his honour, purely accidental; when he left the Committee-room the preceding day, he had underſtood that there would be nothing done farther than a motion of courſe, and the unuſually thin attendance that there had been early in the day, and the manner in which noble Lords had come into the Houſe, ſo contrary to the manner in which they had attended ever ſince the melancholy occaſion of their meeting had occurred, all led him to imagine that there would be no diſcuſſion, nor, indeed, diſcourſe of any kind. In fact, ſo convinced had he been that no debate would ariſe, that he had himſelf been the innocent cauſe of keeping other Lords from coming down, who would have made a point of being preſent, had they foreſeen that any ſuch ſubject as that mentioned rather irregularly by the noble Earl, in opening a motion, to which it bore not properly any

Lord Lough-borough.

relation, would have been introduced. When he looked round the Houſe, he regretted exceedingly the abſence of ſeveral noble Lords, and particularly of one noble and illuſtrious Perſon who was moſt peculiarly intereſted in the diſcuſſion that muſt neceſſarily take place. The topic, however, having been introduced, though irregularly, he ſhould be under the neceſſity of following the noble Lord's example, and deliver ſuch of his ſentiments upon it as preſented themſelves to his mind at the moment; but as he was taken unawares, and muſt neceſſarily ſpeak unprepared, he truſted to their Lordſhips candour and indulgence to excuſe the looſe manner in which he might deliver himſelf. As ſoon, therefore, as the Motion was read he would trouble their Lordſhips again.

The Lord *Chancellor* read the Motion.

Lord Lough-borough.

Lord *Loughborough* then roſe a ſecond time, and went much at large into a diſcuſſion of the ſubject introduced by the Lord Preſident. In the early part of his ſpeech he complained of the wording of the Motion as vague and indefinite. It did not confine the Committee to ſearch for any diſtinct, preciſe line of Precedents, but left them at large to examine general hiſtory, and report juſt as much, or as little, as they thought proper. The expreſſion *or otherwiſe*, he ſaid, was ſo indefinite, that no clear idea could be annexed to it; in his opinion therefore the Motion ſhould have been differently worded, if the Houſe expected to derive any uſeful or material information from the inſtitution of the Committee. With regard to the idea which the noble and learned Lord had ſaid had been ſtated in another place, he knew not whether the noble and learned Earl's information had been accurate, but he had heard of another aſſertion, a moſt extraordinary one indeed, that had been boldly, arrogantly, and preſumptuouſly made elſewhere. As he found the ſame aſſertion in a miſerable political pamphlet, the produce of a venal pen, he was induced to imagine that it was true that ſuch an aſſertion had been made by the perſon and in the place where he had been informed it was made. The aſſertion was, "that the Prince of Wales, the Heir-Apparent to the Throne, had "*no more right* to take upon himſelf the government during the con-"tinuance of the unhappy malady that incapacitated his Majeſty, "*than any other individual ſubject.*" His Lordſhip commented on this aſſertion with much animation and argument, contending that

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it was founded in the idea that the Regency was *elective*, which he maintained could not be the caſe. He ſaid, by the ſettlement of the Conſtitution, and by various ſtatutes, the Crown of theſe kingdoms was *hereditary*, and that, by the 25th of Edward the Third, any perſon who ſhould, by ill-adviſed ſpeaking, or writing, aſſert the contrary, was liable to be proſecuted, and to incur the pains and penalties of a premunire. There were not, he declared, but two poſſible caſes in which the Throne could become vacant, ſo as to make it the duty of the two Houſes of Parliament to provide for the exerciſe of the regal authority; the one, a total ſubverſion of the Government by a breach of the original compact, as in the caſe of an abdication of the Throne; the other, when the royal line becomes extinct, and the King upon his demiſe leaves no heir. The caſe at preſent was widely different. Having ſtated this, his Lordſhip proceeded to declare that the aſſertion that the Heir-Apparent had the right to take upon himſelf the exerciſe of the Royal Authority, in caſe of the perſonal incapacity of his Majeſty, was a doctrine undeniably founded in law. To illuſtrate this, he pointed out the dangers of conſidering the Regency as *elective*. Were the caſe ſo, he ſaid, the two Houſes of Parliament might ſet up a Pageant of a Regent, and, in fact, aſſume the Government themſelves, becauſe a Regent ſo elected muſt neceſſarily be the ſlave of his electors. The ſingle Precedent of a Regent having been appointed by an Houſe of Parliament to be found in our hiſtory was, he ſaid, the horrible Precedent in the reign of Henry the Sixth. A Precedent that led to the deſolation and diſtraction of the country, and all the wars between the Houſes of York and Lancaſter. In that caſe the Houſe of Lords ſingly named the Duke of York Protector, who was of all others the moſt unfit perſon to be inveſted with that power, but who had ſo many relations and adherents in that Houſe, that he procured himſelf to be appointed Protector. From that miſerable inſtance their Lordſhips would ſee that the only branch of Legiſlature which had ever aſſumed the power of electing a Regent, was their own Houſe.—Were their Lordſhips prepared to follow the example, and would the other Houſe conſent that they ſhould arrogate to themſelves that power? He took notice of the Lord Preſident's having declared that the Legiſlature was maimed, impotent and defective at preſent; it certainly was ſo, wanting its

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invigorating head and ſpring. That was another reaſon which proved that the two Houſes of Parliament could not elect, nominate, or appoint a Regent. By the act that provides for ſecuring the Crown in the Proteſtant ſucceſſion, and by an Act in the 13th of Charles the Second, the two Houſes are prevented from making law of themſelves, or doing any one Legiſlative Act without the conſent of the King. They could not make a turnpike act, and yet would it be ſeriouſly argued that they could elect a Regent? If they could do the one, they might ſurely do the other. If they could change the Government, or change the ſucceſſion, they might ſurely do the other. If they could change the Government, or the ſucceſſion, they might give it any form they choſe; appoint a Regent, more Regents than one, or give it the form of a Mahratta Government. There was no ſaying to what an extent of infringement of the Conſtitution the two Houſes might not proceed, if they once broke through the barriers which the Law and the Conſtitution had preſcribed. Beſides, was it remembered that a neighbouring kingdom was connected with us, and acknowledged allegiance to the Britiſh Crown; if once the rule of regular ſucceſſion was departed from by the two Houſes, how were they ſure that the neighbouring kingdom would acknowledge the Regent the two Houſes might take upon themſelves to elect? The probability was, that the neighbouring kingdom would depart from our departure from the rule of hereditary ſucceſſion, and chooſe a Regent of their own, which muſt lead to endleſs confuſion and embarraſsment. But it had been declared that the Prince of Wales had not more right than any other individual ſubject. No more *right*? Was the Prince of Wales a common ſubject? Did not the law deſcribe him to be one and the ſame with the King? Lord Coke expreſsly ſtated it ſo. Was it not as much high treaſon to compaſs or imagine the death of the Prince Wales as the death of the King? Was it high treaſon to compaſs or imagine the death of any other individual ſubject? In fact there was no compariſon between the rights of the Prince of Wales and the rights of any other individual ſubject. His Lordſhip remarked that it ſo happened that the two Houſes were at that time Houſes of a legal Parliament, legally ſummoned by the King's writs, and in conſequence legally aſſembled; but ſuppoſing the caſe had occurred in the intermiſſion of Parliament, would any man ſay that it would

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not have been warrantable for the Prince of Wales, as Heir-Apparent, to have iſſued writs, and called the Parliament together? Upon this, and a great variety of other reaſoning, his Lordſhip maintained his poſitions that the Regency was *hereditary* and not *elective*, that the Heir-Apparent had a right, during the interruption of the perſonal exerciſe of the Royal Authority, by his Majeſty's illneſs, to aſſume the reigns of Government, but declared that he did not mean that the Prince of Wales could violently ruſh into the Government, but that upon the authentic notification of the King's unfortunate incapacity to the two Houſes of Parliament, the Prince ought of right to be inveſted with the exerciſe of the Royal Authority. His Lordſhip referred the Houſe to Mr. Juſtice Forſter's Treatiſe on the Principles of the Revolution, Mr. Juſtice Blackſtone's Chapter of his Commentaries that treated of Regal Power, and to the productions of other conſtitutional writers, as well as to the ſpeeches of Lord Somers and others, who conducted the Revolution, as the authorities by which his arguments would be found to be ſupported. He repeated his apology for the looſe form in which he had expreſſed his ſentiments, declaring that they were opinions nevertheleſs not lightly nor haſtily adopted, but confirmed and eſtabliſhed in his mind, after much mature and ſerious deliberation on the ſubject. Before he ſat down, his Lordſhip ſaid, when an opportunity offered for his diſcuſſing the ſubject with better preparation, he would undertake to maintain as a lawyer, by a ſeries of inferences from common law, the ſpirit of the Conſtitution, and analogy, to the conviction of every man of common ſenſe, the truth of the doctrine he had then reaſoned upon.

Lord Chancellor

The Lord *Chancellor* left the Woolſack, and expreſſed his diſſatisfaction, that in the progreſs of a buſineſs peculiarly grave and important in its nature, there ſhould have occurred any thing like a difference of opinion, or unpleaſant altercation. Had their Lordſhips waited till the ultimate queſtion came under diſcuſſion, in all probability there would not have been found much diſagreement on any ſide, and conſequently much of what had been ſaid that day might have been ſpared. His Lordſhip declared, all he had that day heard had not ſatisfied his mind. He wiſhed, therefore, before he was to give his opinion upon ſo delicate a ſubject, to have the full advantage of every information and every Precedent that could be found,

found, that bore any ſort of analogy to the preſent unfortunate and calamitous ſituation of the country. With regard to the doctrine that had been maintained by the noble and learned Lord who ſpoke laſt, though every thing that came from a Magiſtrate of his diſtinguiſhed ſituation came with great force and authority, he could only ſay, that it was perfectly new to him, and that he had not heard it before. The noble and learned Lord he obſerved had remarked, that in the eye of the Law the Prince of Wales and the King were one and the ſame. Would their Lordſhips take a metaphorical expreſſion, and force a literal meaning upon it? His Royal Highneſs the Prince moſt certainly was peculiarly diſtinguiſhed by his rank and birth, and dignities; it ought however to be recollected, that he was, nevertheleſs, a ſubject. The noble and learned Lord had, in the courſe of his argument, put the caſe in two different points of view; he had ſuggeſted, that his Majeſty's unfortunate illneſs might have happened in the intermiſſion of Parliament, as well as having happened as it had done, while the two Houſes of Parliament met in the uſual and regular way; and the noble and learned Lord had ſaid, in the caſe of an intermiſſion of Parliament, would not the Heir Apparent have been warranted in taking upon himſelf to iſſue writs and call the two Houſes together? The fact, his Lordſhip ſaid, had actually happened in the reign of Henry the Sixth, when the Heir Apparent did iſſue writs and call the Parliament together; but what was the firſt proceeding of that Parliament? They paſſed an act of indemnity for thoſe who adviſed the meaſure of putting the Great Seal into the hands of an infant only nine months old. Having explained this hiſtorical fact, his Lordſhip took notice of what had fallen from Lord Loughborough reſpecting Ireland, and lamented that it had been dropped, ſince it was *ſpargere voces in vulgum ambiguas*. Such vague and looſe ſuggeſtions, he ſaid, could anſwer no uſeful purpoſe, but might produce very miſchievous conſequences. He declared he had every reliance on the known loyalty, good ſenſe, and affection of that country, and felt no anxiety on the danger of Ireland's acting improperly. He ſaid, he ſhould purpoſely avoid entering at all into the diſcuſſion of the important topicks that had that day engaged ſo much of their Lordſhips attention, becauſe he conſidered ſuch a diſcuſſion as premature, and did not think the Queſtion ought to be in any degree pre-occupied;

pied; indeed, he ſaw no other end that could ariſe from it, but affording a ſubject for a frivolous paragraph in a newſpaper to ſet idle people talking upon which ſide of the argument this or that noble Lord ſpoke, while the ſenſible by-ſtander would obſerve, that their Lordſhips had began at the wrong end, and were diſcuſſing the concluſion before they had ſettled the premiſes. His Lordſhip ſaid, it was unneceſſary for him to uſe any arguments in juſtification of the Motion, as no objection had been made to it. He complimented Lord Loughborough on his having ſpoken of a Prince of Wales in the abſtract, without affecting in the treatment of ſuch a delicate ſubject to reſt any part of his argument on the perſonal virtues of the preſent Heir Apparent, who he ſaid ſhould always have his applauſe, when the expreſſion of it would not be an act of impertinence. His Lordſhip ſpoke of the impoſſibility of ſeparating the natural and political character and capacity of the King, and ſaid, while the Crown remained firmly fixed on his Majeſty's head, the difficulty lay in appointing a proper Regent.

Lord *Loughborough* roſe again to declare, that what he had ſaid, certainly had not originated in any wiſh that the ſentiments of ſo humble a ſpeaker as himſelf might appear in a newſpaper. His Lordſhip obſerved, that it was unneceſſary for him to make any reply to the noble and learned Lord, ſince, as far as he had proceeded, the noble and learned Lord had admitted the facts that he had ſuggeſted. Lord Loughborough.

The Lord *Chancellor* came again from the Woolſack to declare, that it had been far from his intention to impute to the noble and learned Lord any ſuch motive for his argument of that day as a deſire to ſee his ſpeech in a newſpaper; he ſhould, he declared, be aſhamed to aſcribe any ſuch motive to a Member of either Houſe, or, indeed, to any Gentleman whatever. He had merely ſtated the conſequence that might reſult from prematurely agitating important queſtions which were not yet before them. Lord Chancellor

Earl *Stanhope* ſaid, he was in the country when the news reached him of his Majeſty's unfortunate illneſs, and he came to town with no other ſentiment than a determination to oppoſe the propoſition of ſaddling the Regent with a permanent Council, if any ſuch propoſition ſhould have been made. But that he could not ſit ſilent and hear it denied to the two Houſes of Parliament that they had the power, Earl Stanhope.

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in caſe of a vacancy on the Throne, or the interruption of the perſonal exerciſe of the Royal Authority, to make proviſion to ſupply the deficiency. His Lordſhip addreſſed his argument chiefly to what had fallen from Lord Loughborough, and read an extract from the Bill of Rights, touching the conditions on which the Prince of Orange and the Princeſs Mary were offered and accepted the Crown; that declaration, he obſerved, was the act of the two Houſes of Parliament. He next aſked how the Hanover family came to the Throne? and ſtated different inſtances of the two Houſes interfering with regard to the ſucceſſion to the Crown, to prove that their interference was conſtitutional.

Duke of Norfolk. The Duke of *Norfolk* obſerved, that the greateſt part of what had been ſaid, was foreign to the Motion before the Houſe, to which he wiſhed to confine himſelf. His Grace argued againſt the introduction of the words *infancy*, and *or otherwiſe*, and wiſhed it had been limited to ſickneſs only, becauſe he was ſure then that no precedent whatever could have been produced, and that ſuch muſt have been the Report of the Committee.

Lord Preſident. The Lord *Preſident* juſtified the wording of the Motion, and declared that his head muſt be ſtrangely illogical, if the term *infancy* was not peculiarly in point to the preſent occaſion.

Lord Stormont. Lord *Stormont* ſupported the arguments of Lord Loughborough, and added ſeveral others in confirmation. His Lordſhip ſaid, by the approbation that had been ſignified when the declaration that the Prince of Wales had no more right to exercife the Royal Authority, during his Majeſty's unfortunate illneſs, than any other individual ſubject, was alluded to, he was perſuaded it was a favourite doctrine with noble Lords of a certain deſcription, and that it was thrown out with a view to feel the pulſe of the nation. He contended againſt the idea of the Regency being elective, and argued, that if that doctrine were admitted, it muſt lead to a Republic. He reminded Earl Stanhope that his arguments on the Bill of Rights and the Revolution were irrevelant, in anſwer to what had been ſaid by Lord Loughborough, that noble and learned Lord having expreſsly mentioned, that the two Houſes of Parliament could legally provide a ſucceſſor to the Throne only in two inſtances; one of which was, when a ſubverſion of the Government took place by a breach of the original compact between a Sovereign and his ſubjects, which was preciſely

preciſely the caſe at the Revolution. He complimented the noble Earl, however, on his objection to ſaddling the Regent with a permanent Council, and inſtanced the caſe of Poland, to prove that the moſt diſtinguiſhed abilities in an elective Monarch could not prove advantageous to his People, or render his Government either beneficial or glorious, while he was fettered with a permanent Council. His Lordſhip declared, in the name of the Peers of Scotland, that if the two Houſes took upon themſelves to depart from the rule of ſucceſſion, and elect a Regent, the Nobles of his part of the Realm would conſider the Act of Union as ſuſpended. After ridiculing the idea of ſetting up a competitor with the Prince of Wales, mentioning the caſe of the Duke de Guines, who boldly uſurped the Regency of France, and ſpeaking in terms of affectionate ſorrow of his Majeſty's illneſs, his Lordſhip concluded with earneſtly recommending, that an addreſs of the two Houſes, intreating the Prince of Wales to aſſume the exerciſe of the Royal Authority, and hold it during his Majeſty's incapacity, ſhould be voted and preſented to his Royal Highneſs.

Lord *Sydney* avowed it to be his opinion that during the interruption of the perſonal exerciſe of the Royal Authority, occaſioned by his Majeſty's illneſs, no perſon, however high his rank, however diſtinguiſhed his birth, had a legal claim to aſſume it as matter of right. His Lordſhip remonſtrated againſt the unfairneſs of arguing that a particular declaration muſt have been the declaration of a Right Hon. Friend of his in another place, becauſe a noble and learned Lord had met with it in what he called a miſerable pamphlet, the produce of a venal pen. Lord Sydney.

Lord *Portcheſter* ſaid, the ſecrecy with which every ſtep in relation to his Majeſty's illneſs had been taken, the confining the examination of the Phyſicians to a Committee of Twenty One, and although five days were allowed after the laying the Minute of the Privy Council on the table, the calling upon him and other Lords in five minutes after the examinations of the Phyſicians before the Committee of Twenty one had been read, to vote for a Committee to ſearch for Precedents, made him regard the proceedings of Miniſters on the ſubject with an exceedingly jealous eye. His Lordſhip referred to the reign of Edward the Third, when that King's ſon, a minor (afterwards called the Black Prince) was declared Regent by Lord Portcheſter

by his Father during his abſence, and reaſoned much at large upon that and other Precedents. His Lordſhip, after reprobating the Motion, on account of the indefinite terms in which it was expreſſed, aſked if it included Precedents of what had been done in the *abſence* of the Sovereign?

The Earl of *Hopetoun* made a ſhort ſpeech.

At length the queſtion was put and agreed to.

Friday, Dec. 12.

As ſoon as the Lord *Chancellor* had taken the Woolſack, a Committee was appointed to inſpect the liſts delivered in at the table of Twenty-one Lords, to be appointed as a Committtee "to examine "and report Precedents of ſuch proceedings as may have been had, "in caſe of the perſonal exerciſe of the Royal Authority being pre-"vented or interrupted by infancy, ſickneſs, infirmity, or other-"wiſe, with a view to provide for the ſame."

After ſome time the Lord *Preſident* came into the Houſe and informed their Lordſhips, that the Committee had met and inſpected the ſeveral liſts, and had deſired him to report the following names as a Committee, viz.

Archb. of Canterbury,	Earl Bathurſt,
Lord Chancellor,	Lord Stormont,
Lord Preſident,	Biſhop of London,
Lord Privy Seal,	Lord Oſborne,
Duke of Richmond,	Lord Sydney,
Duke of Portland,	Lord Lougborough,
Earl Derby,	Lord Walſingham,
Earl Coventry,	Lord Grantley,
Earl Dartmouth,	Lord Hawkeſbury,
Lord Radnor,	Lord Kenyon,
Lord Chatham.	

The Lord *Preſident* then moved, "That the ſaid Committee, or "any eight or more of them, do meet the next day in the Prince's "Chamber."

"That no Lord but thoſe of the Committee be preſent."

Lord

Lord *Hopetoun* moved, "That the Report from the Committee appointed to examine the Phyſicians who had attended his Majeſty, touching the ſtate of his Majeſty's health, be printed," which upon the queſtion put, was ordered accordingly.

The Houſe then adjourned till Monday.

Monday, December 15.

As ſoon as prayers were over, the Lord Chancellor adjourned the Houſe during pleaſure, in order to give an opportunity to ſome Lords who were expected to come down. Soon after four o'clock, his Lordſhip again took the Woolſack, when

Earl Fitzwilliam.

Earl *Fitzwilliam* roſe, and began with apologizing for the irregularity of bringing on a Converſation, without intending to make a Motion, or to ſtate any Queſtion that would render ſuch Converſation agreeable to form and order; but irregular as he confeſſed it was, he truſted their Lordſhips would overlook it, on account of the momentous ſubject to which it referred, and the great delicacy that every one of their Lordſhips muſt confeſs ought to accompany all their proceedings upon the preſent unfortunate and calamitous ſituation of affairs. Having thus beſought the indulgence of the Houſe, the Earl proceeded to explain the nature of the object which had induced him thus irregularly to addreſs their Lordſhips. In conſequence of diſcuſſions held elſe-where, a Queſtion upon the rights of a moſt exalted Perſonage was about to be agitated, a queſtion which he was thoroughly perſuaded could not be brought under diſcuſſion, without producing effects that every well-meaning and conſiderate individual muſt wiſh to avoid. The public already had, in ſome meaſure, caught the alarm, and much uneaſineſs had been manifeſted upon the ſubject; he roſe, therefore, to deprecate the diſcuſſion of any ſuch Queſtion in that Houſe, ſince he was perſuaded it would be infinitely more ſatisfactory to moſt of their Lordſhips, that the queſtion might not be agitated, and he the rather deprecated the diſcuſſion, as it could not be in the ſmalleſt degree neceſſary that it ſhould take place. It would, he ſaid, be a very great ſatisfaction to his mind, and to the minds of many who heard him, if any one of

his Majeſty's Miniſters would riſe, and aſſure the Houſe that it was not their intention to bring any ſuch Queſtion under agitation before their Lordſhips, as that to which he had alluded, and in the hopes that he ſhould be favoured with ſuch an explanation, he would, for the preſent, ſit down.

Lord Preſident.

The Lord *Preſident* came forward and ſaid, the moment in which he was ſpeaking, and indeed every moment at preſent, was a moment of great delicacy, difficulty, and embarraſſment; it behoved his Majeſty's Miniſters therefore to conduct themſelves with the moſt guarded and wary caution, and to take care that by any premature diſcloſure of what ſteps they meant to take in the preſent critical ſituation of affairs, they did not commit themſelves imprudently; but the candid manner in which the noble Earl had explained what he had ſtated, demanded every polite and civil return in his power to make. At preſent, as the Houſe well knew, a Committee of their own had been employed in ſearching for all the Precedents their records would afford, to guide their Lordſhips in ſuch proceedings as they ſhould think it became them to take, upon the important ſubject, that had, ever ſince they met, engroſſed their attention. That Committee had not yet been able to make their Report; previous to the receipt of which, it was utterly impoſſible to proceed a ſingle ſtep. When the Report ſhould come, it would be neceſſary to move to have it printed for the uſe of their Lordſhips, and then time muſt be allowed for their Lordſhips to make themſelves maſters of the various Precedents it contained, previous to their grounding any proceeding upon it. Were he to ſay no more, the Lord Preſident declared, he ſhould conceive he had given the noble Earl as ſaisfactory an anſwer as the noble Earl had a right to expect; but he thought he might venture to go one ſtep further, and ſay, that it was not the wiſh of Miniſters to agitate more Queſtions than were abſolutely neceſſary. The rights of the two Houſes of Parliament had been queſtioned, and two noble Lords, an illuſtrious and learned Baron, not then preſent, and a noble Viſcount, had argued very much at large and with great authority againſt the exiſtence of thoſe rights; it became therefore abſolutely neceſſary that rights ſo eſſential and important ſhould not be left unſettled and undecided, before they proceeded to the other neceſſary ſteps in the providing a Regency. But as the noble Earl had put a Queſtion to him, would the noble

Earl

Earl in turn give him leave to put a Queſtion to him; would the noble Earl and the other noble Lords who acted in concert with him declare, that all queſtion of the Rights of Parliament was abandoned by them, and admitted to exiſt in full force?

Earl *Carliſle* ſaid, he had not conceived that either of the two noble Lords alluded to, had queſtioned the Rights of Parliament; becauſe if their arguments had borne that tendency, he ſhould have imagined they would have objected to the appointment of a Committee to ſearch for Precedents as altogether unneceſſary, and that the Houſe would have found itſelf in a very different ſtage of the buſineſs from that which it ſtood at preſent. Earl Carliſle.

Earl *Fitzwilliam* replied to the Lord Preſident, but all we could hear him ſay diſtinctly was, that, after having riſen to deprecate the diſcuſſion of a queſtion reſpecting the Rights of another perſon, it could not be expected that he ſhould turn ſhort round and admit the Rights of others in oppoſition to thoſe Rights. Earl Fitzwilliam.

The Duke of *York* next roſe. His Royal Highneſs began by declaring, that perfectly unuſed as he was to ſpeak in a public aſſembly, he could not refrain from offering his ſentiments to their Lordſhips on a ſubject in which the deareſt intereſts of the country were involved. He ſaid, that he entirely agreed with the noble Earl (Lord Fitzwilliam) and other Lords, who had expreſſed their wiſhes to avoid any queſtion which tended to induce a diſcuſſion on the Rights of the Prince. The fact was plain, that no ſuch claim of Right had been made on the part of the Prince; and he was confident that his Royal Highneſs underſtood too well the ſacred principles which ſeated the Houſe of Brunſwick on the Throne of Great Britain, ever to aſſume or exerciſe any power, *be his claim what it might*, not derived from the will of the people, expreſſed by their Repreſentatives, and their Lordſhips in Parliament aſſembled. Duke of York.

On this ground his Royal Highneſs ſaid, that he muſt be permitted to hope, that the wiſdom and moderation of all conſiderate men, at a moment when temper and unanimity were ſo peculiarly neceſſary on account of the dreadful calamity which every deſcription of perſons muſt in common lament, but which he more particularly felt, would make them wiſh to avoid preſſing a deciſion which certainly was not *neceſſary* to the great object expected from Parliament, and

which muſt be moſt painful in the diſcuſſion to a family already ſufficiently agitated and afflicted.

His Royal Highneſs concluded with ſaying, that theſe were the ſentiments of an honeſt heart, equally influenced by duty and affection to his Royal Father, and attachment to the conſtitutional rights of his ſubjects; and that he was confident, if his Royal Brother were to addreſs them in his place as a Peer of the Realm, that theſe were the ſentiments which he would diſtinctly avow.

Lord Chancellor

The Lord *Chancellor* left the Woolſack to declare that what they had juſt heard muſt make a ſtrong impreſſion on the minds of their Lordſhips, and that it could not but be extremely gratifying for them to know that the mode that they ſhould adopt on the preſent melancholy occaſion, would give the utmoſt pleaſure and ſatisfaction to the exalted Perſonage, who muſt neceſſarily feel the greateſt intereſt in their deliberations and deciſions. He declared for one, that no man could be more determined than he was to avoid having any queſtions brought forward that were unneceſſary, and that he was ready to bind himſelf by any words or phraſes, however ſtrong, not to vote for any queſtion that took any other direction than the ſtrait path of the public good. His Lordſhip ſpoke of Queſtions of Right as generally invidious, and often unneceſſary, and declared that on the preſent critical ſubject no queſtion ought to be brought into agitation that the nature of the ſubject did not actually and abſolutely demand to be diſcuſſed. He reminded their Lordſhips of the ſteps they had hitherto taken in the important buſineſs before them, and of the ſtage at which they had arrived, obſerving that they had followed the ſame line with the Houſe of Commons, but it had ſo happened, that the Houſe of Commons were in a more advanced ſtage of the buſineſs. At preſent their Lordſhips' Committee were employed in ſearching for Precedents, and had not yet been able to make their report. When that report ſhould come before them, they would be enabled to ſee what ſtep ought farther to be taken, with a view to do that which they muſt all wiſh to ſee done, viz. to reſtore vigor and efficacy to the executive Government of the country, and he ſhould ſuppoſe, above all things, to take care faithfully to diſcharge the duty of ſubjects, and preſerve the rights of the King entire; ſo that when God ſhould permit his Majeſty to recover from his preſent melancholy malady, he might

not

not find himſelf in a worſe ſituation than he was in before his infirmity, or diſabled from the full exerciſe of all his rightful prerogatives. His Lordſhip took notice of the eloquent and energetic manner in which a noble Viſcount had, in their laſt debate, expreſſed his feelings on the preſent melancholy ſituation of his Majeſty; feelings rendered more poignant from the noble Viſcount's having been in habits of perſonally receiving various marks of indulgence and kindneſs from the ſuffering Sovereign; his own ſorrow, his Lordſhip declared, was aggravated from the ſame circumſtance; his debt of gratitude alſo to his Majeſty was ample, for the many favours his Majeſty had graciouſly conferred on him, which, when he forgot, *might GOD forget him!* His Lordſhip took notice, that in the laſt converſation that had taken place in that Houſe upon the ſubject, two opinions different from each other had been propounded, as theſe opinions ran in oppoſite lines, and could not be brought to one and the ſame point, ſome path between the two he conceived muſt be chalked out; what that path was, remained for their Lordſhips to find, and poſſibly they would be aſſiſted by ſome communication from the other Houſe. His Lordſhip again declared, it was nevertheleſs his opinion, as much as it was that of the noble Earl who had begun the converſation that day, that no queſtion that was not abſolutely neceſſary ought to be agitated; and that, if it could be done, the proceeding with perfect unanimity was moſt deſirable. His Lordſhip ſpoke of their not being ripe for any deciſion yet, and urged the little uſe of debating before the Report was made from the Committee, and further proceedings had thereupon.

Earl Fitzwilliam.

Earl *Fitzwilliam* roſe again to remonſtrate againſt the idea of having it ſtated that private affection ought to govern their Lordſhips in an important proceeding, on which the public welfare ſo eſſentially depended. His Lordſhip ſaid, he was perſuaded the Brunſwick Family would conſider it as an ill compliment to them to ground a proceeding of that magnitude on the baſis of private and perſonal affection to the King.

Lord Chancellor

The Lord *Chancellor* ſaid, the noble Earl had miſconceived him, if he imagined he barely reſted what they ought to do in the preſent emergency on their private affection for the perſon of the Sovereign; they had heard him expreſsly declare it to be *their duty as ſubjects* to

preſerve the rights of the King entire. Not that he would have any noble Lord, or any man living, imagine that there was a ſhade of difference between the public allegiance and loyalty due to the Prince and the private affection and love his ſubjects bore him. His Majeſty, in a reign of twenty-ſeven years, had proved his ſacred regard to the principles that ſeated his anceſtors on the Britiſh Throne, and his anxious deſire on every occaſion to maintain and uphold, in all its purity, that Conſtitution that made his ſubjects a free and a happy people; there was no difference therefore whatever between the public duty and private affection due to ſuch a Prince.

Lord Stormont.

Lord *Stormont* ſaid, he agreed in many points with the noble and learned Lord who had left the Woolſack, he would therefore only detain their Lordſhips with ſtating in what he differed from that noble and learned Lord. The noble and learned Lord had ſtated that two opinions had been propounded in the laſt debate that ran in parallel lines, and could not be reconciled and brought to one and the ſame point. So far from this being the ſtate of the caſe, he thought nothing could be more eaſy than to reconcile the one to the other; his Lordſhip then begged leave to remind the Houſe of what he had in his ſpeech on Thurſday laſt repeatedly mentioned, viz. that the agitating the ſubject that day diſcuſſed, and which gave occaſion for the two oppoſite opinions to be ſtated and inſiſted upon, was not imputable to him or to any one noble Lord who had ſpoken on his ſide of the queſtion. Their Lordſhips muſt all remember that the ſubject had been introduced by the Lord Preſident of his Majeſty's Council in a moſt extraordinary, and, he would ſay, *diſorderly* and *unparliamentary* manner.

Lord Stormont was called to order, and the Houſe was for ſome ſeconds thrown into confuſion, by different Lords riſing at the ſame time to ſpeak.

Duke of Richmond

The Duke of *Richmond* ſaid he ſpoke to order, no queſtion was before the Houſe, he would therefore move, "That the Houſe do "*adjourn*."

Lord Stormont.

Lord *Stormont* ſaid Lord Sydney had called him to order, and Lord Derby, and ſeveral Lords near him, having repeated the words, "Lord Sydney to Order."

Lord Sydney.

Lord *Sydney* roſe with ſome warmth, and ſaid he was commanded by five or ſix Lords on the oppoſite Bench to ſpeak. He lamented that

that the Houſe had already betrayed a temper that in his mind ill became the ſolemnity and importance of the ſubject that they were diſcuſſing. Such behaviour was not decent there. He knew not what offence he had given that he ſhould receive a reprimand, but if any noble Lord had taken offence at him, he would have them know, from the noble Baron near him (Lord Rawdon) to the noble Viſcount on the other ſide, that there were other ways of ſettling differences between one Gentleman and another. His Lordſhip ſoon recovered his calmneſs, and ſaid, he thanked God warm as he was by nature, his warmth ſeldom laſted long. He then ſtated why he thought Lord Stormont had been out of order, viz. in alluding to matters that had paſſed in a former debate.

Lord *Rawdon* ſaid he preſumed the noble Secretary of State alluded to him, by ſaying, "from the Baron near him." If ſo, he knew not what provocation he had given to the noble Lord to talk in the manner he had done. The noble Lord knew that he was not of a temper to ſubmit to be brow-beaten any more than himſelf. He had been of opinion that the noble Viſcount had, in the laſt debate, very properly reprobated the introduction of a topic not before their Lordſhips, which had at the moment given his mind very great anxiety. That topic had been introduced, as the noble Viſcount was ſtating, when he had been interrupted, and called to order, by the Lord Preſident, and that in an irregular way. His Lordſhip with great ability complained of introducing any diſcuſſion that was likely rather to excite diſagreement and difference of opinion, than produce unanimity and cordiality. He complimented the Lord Chancellor on having ſo expreſsly declared his coincidence in that ſentiment, and mentioned the bills that were paſted up in the ſtreets, with a view to call the multitude to take a part in the diſcuſſions of Parliament, and to miſlead and inflame their minds by inferences groſsly falſe and violent. He joined in deprecating the diſcuſſion of the Queſtion of Rights, and ſaid, if he ſtood ſingly on the ſubject, he would divide the Houſe againſt its being agitated. His Lordſhip took notice of what Lord Sydney had ſaid, of proper behaviour in that Houſe, and declared that a due regard to the rules and orders of their Lordſhips, and, what was ſtill ſtronger, his own feelings would prevent his becoming liable to any imputation on that head.

Lord Rawdon.

Lord *Preſident.* The Lord *Preſident* ſaid, he could not ſit ſilent, and hear himſelf charged with having been guilty either of a crime, or at beſt a very high and cenſureable act of indiſcretion. A noble Viſcount had ſaid, that he in a manner equally extraordinary, diſorderly, and unparliamentary, had introduced the topick on which they had diſcourſed laſt Thurſday. He was ready to confeſs that he did take notice of what had paſſed *in another place*, in the courſe of his opening ſpeech; but he denied that, from the general words he had uſed, any noble Lord was warranted to fix on him a charge of having ſpoken in a diſorderly or an unparliamentary manner. Not that he meant to deny, that by *the other place*, he did mean the Houſe of Commons. He certainly did, and if the queſtion were put to him, whether any alluſion in that Houſe to what had paſſed in the other was diſorderly and irregular, he ſhould admit that it was But ſuch alluſions they all knew, though in ſtrictneſs irregular, were made every day and overlooked, or if noticed, done ſo by ſtating that they were diſorderly in ſo good humoured a tone, that no party felt uneaſy. The noble Viſcount had that day uſed the word *unparliamentary* with ſo angry and vehement a tone, that it ſeemed as if they were determined to proceed with a degree of paſſion and animoſity, that were exceedingly to be lamented. He muſt however, in juſtice to himſelf, deny that he was that wicked and bad man who had broached the doctrine of the Rights of the Prince, in contradiſtinction to the Rights of the two Houſes of Parliament. He did not firſt broach the doctrine, and therefore he did not hold himſelf anſwerable for the conſequences. Having been broached it muſt be noticed, becauſe they were engaged in a proceeding that would materially affect the liberties of poſterity, and therefore nothing dark or doubtful ought to be ſuffered to remain untouched and undecided in the adjuſtment of ſo momentous a concern.

Lord *Stormont.* Lord *Stormont* ſaid he was glad he had been interrupted, as he had heard ſo able an argument from the noble Lord near him (Lord Rawdon); at the ſame time it gave him concern that another noble Lord ſhould have taken offence at what he meant as a mark of perſonal reſpect. He had not had the honour of ſitting in the other Houſe of Parliament, but he had ever underſtood the being called to order implied a Parliamentary charge, and that the rule was for the perſon called

called to order to ſit down, and the other Member to ſtate his charge of breach of order. With this view, when the noble Secretary of State had called him to order, he had ſat down and ſaid, "Lord "Sydney to order," and had alſo interrupted a noble Duke, who, he ſaw, was not aware that the noble Lord who had called him to order was on his legs. After this explanation Lord Stormont proceeded to reſume the thread of his diſcourſe, and to ſtate why he thought the two opinions that had been propounded in the laſt debate might be reconciled. As it was then publicly known what was the intention of Government in regard to the Regency, which he reminded their Lordſhips was a circumſtance not known to the Houſe when they had laſt diſcuſſed the ſubject, his opinion was, that they ſhould proceed forthwith to declare the Prince of Wales Sole Regent. At preſent, with a diſmembered Legiſlature, the country ſtood in a ſituation in which it ought to be ſuffered to remain as ſhort a time as poſſible. As it was neceſſary, according to all their opinions, to proceed to *practical meaſures*, it ill became them to waſte the time in agitating *theoretical ſpeculations*. Of that nature was the queſtion of Right, which, in his mind, it was equally idle and fruitleſs to diſcuſs. He remonſtrated warmly againſt delay, and aſked the Houſe if they wiſhed to follow the example of that whimſical ſet of philoſophers who, when Mahomet the Second ſcaled the walls of Conſtantinople, and took the city by ſtorm, were actually taken in the act of ſitting in debate upon fruitleſs metaphyſical ſpeculations, and idle and frivolous enquiries. He thought they ought to proceed to declare the Prince Sole Regent, and as all the Royal Prerogatives were allowed to the Sovereign, not for his pleaſure or ſatisfaction, but with a view to the good of the ſubject, to veſt the Prince with them altogether. He put the caſe of an affectionate father, who would wiſh his ſon's government to be proſperous; to be proſperous it muſt be ſtrong, and without every power that Government ought to poſſeſs, it could neither be proſperous nor ſtrong. His Lordſhip laid a good deal of ſtreſs on the danger of continuing without a vigorous executive Government. With regard to the ſafety of the State from foreign enemies, he looked to the vigilance of Miniſters, the force of the country, and the friendly diſpoſitions of the neighbouring powers. His confidence in reſpect to danger from abroad, was further confirmed and fortified in his knowledge,

that

that moſt of the foreign powers were at this time under ſufficient circumſtances of difficulty and embarraſſment themſelves. But a variety of reaſons might be ſtated to prove the preſſure of the moment, and the urgency of the caſe; he particularly pointed out the anxious and unpleaſant ſituation of Lord Carmarthen, as Secretary of State for Foreign Affairs, who for ſeveral weeks paſt had not been able to ſend a ſingle inſtruction to any of our Miniſters abroad, ſince it was well known all ſuch inſtructions were ſent in the name and at the command of the King.

Lord Chancellor. The Lord *Chancellor* once more came from the Woolſack to ſtate that Lord Rawdon had miſconceived him; he had merely ſaid he ſhould be averſe to the diſcuſſion of unneceſſary queſtions. Many minute points would of courſe be brought forward one by one, and rendered ſubject to diſcuſſion; but it would be in the power of any one Lord to provoke the diſcuſſions of points, which it ſeemed to be the general and anxious deſire of moſt of the noble Lords who had ſpoken that day to avoid. It depended therefore on the diſcretion of noble Lords themſelves, that their future deliberations ſhould aſſume either a complexion likely to proceed with unanimity or otherwiſe. If ſuch topics as the noble Viſcount had referred to in the latter part of his ſpeech were inſiſted on, they would unavoidably compel the Houſe to go into the diſcuſſion of every queſtion that had been ſtated to be unpleaſant, and likely to excite uneaſineſs and difference of opinion.

Earl Stanhope. Earl *Stanhope* expreſſed his anxious wiſh that what the Houſe had that day heard from a noble Duke (the Duke of York) could have been given in any way in writing, ſo as to have been made, in ſome way or other, matter of record. It was too important a communication to be ſuffered to remain in fleeting words, which could not be handed down to poſterity for them to graſp, and quote as a proof of the exiſtence of an eſſential part of the Conſtitution.

Duke of Glouceſter. The Duke of Glouceſter next roſe, and after ſtating the peculiar unpleaſantneſs of his own ſituation, and declaring that it was only four hours ſince he had heard that any thing was to be agitated upon the ſubject that day, deprecated with great energy and feeling the diſcuſſion of a queſtion which could only tend to produce the moſt miſchievous conſequences. He declared himſelf a mere individual, not influenced by party, but actuated by a ſincere love of his country,

and

and a ſtrong ſenſe of what he knew would be his Majeſty's feelings were he happily to recover from his preſent lamented indiſpoſition. His Royal Highneſs truſted that the good ſenſe and loyalty of a majority in each Houſe would yet prevent the threatened deciſion on this point. Perſeverance in it was miſchievous to the laſt degree, and could not be meant for the public good. For his part, his Royal Highneſs added, he felt ſo ſtrongly on the ſubject, that if the attempt was to be perſiſted in, and the queſtion brought before the Houſe, he could only ſay that he believed he ſhould not dare to truſt himſelf to come forward and ſpeak his ſentiments on the extraordinary conduct of thoſe who were unneceſſarily inclined to compel a deciſion on ſo delicate a queſtion.

Lord *Cathcart* roſe to ſtate that the papers paſted againſt the walls of the public ſtreets, which had been alluded to by a noble Lord, were not the only attempts of the kind to inflame the minds of the multitude, but that other papers replete with violence and falſehoods, and calculated to ſtate the conduct of Miniſters falſely, and make it appear that one of them had ſet himſelf up as a competitor with the Prince of Wales, had firſt been paſted up and diſtributed through the Cities of London and Weſtminſter. Lord Cathcart.

Lord *Cathcart* concluded with moving to adjourn.

The Lord *Chancellor* then put the Queſtion, and the Houſe adjourned.

Wedneſday, Dec. 17.

Soon after the Lord Chancellor had taken the Woolſack, the Lord Preſident of the Council brought up the Report from the Committe who had been appointed by the Houſe in the courſe of the laſt week "to examine and report Precedents of ſuch Proceed-" ings as may have been had in caſe of the perſonal exerciſe of the " Royal Authority being prevented or interrupted by Infancy, Sick-" neſs, Infirmity, or otherwiſe; with a view to provide for the " ſame."

The Report was then read by the Clerk, and ordered to lie on the table.

It

It was afterwards moved,

"That the ſaid Report be printed."

Which upon the Queſtion put was ordered accordingly.

The Houſe then adjourned.

Tueſday, Dec. 23.

As ſoon as prayers were over, and the Lord Chancellor had taken the Woolſack, a meſſage was brought from the Houſe of Commons by the Marquis of Worceſter, to deſire a conference with their Lordſhips, on a matter of high importance to his Majeſty and the nation.

The ſame was, upon the Queſtion put, agreed to, and appointed to be held immediately in the Painted Chamber.

The Houſe then adjourned during pleaſure, and the Lord Preſident, Lord Privy Seal, Duke of Richmond, the two Principal Secretaries of State, and ſeveral other Lords, Managers appointed to carry on the conference for the Houſe of Peers, withdrew: after a ſhort time they came back, and the Houſe was reſumed, when the Lord Preſident roſe, and acquainted their Lordſhips, that the Managers on the part of the Commons (by the Marquis of Worceſter) had delivered to him three Reſolutions, to which they deſired their Lordſhips concurrence.

His Lordſhip moved that the ſame be read by the Clerk, which was accordingly done, and are as follow, viz.

I. "That his Majeſty is prevented, by his preſent indiſpoſition, "from coming to his Parliament, and from attending to public "buſineſs, and that the perſonal exerciſe of the Royal Authority is "thereby for the preſent interrupted."

II. "That it is the Right and Duty of the Lords Spiritual and "Temporal and Commons of Great Britain now aſſembled, and "lawfully, fully, and freely repreſenting all the Eſtates of the peo-"ple of this Realm, to provide the means of ſupplying the defect "of the perſonal exerciſe of the Royal Authority, ariſing from his

"Majeſty's

" Majeſty's ſaid indiſpoſition, in ſuch manner as the exigency of the " caſe may appear to require."

III. RESOLVED,

" That for this purpoſe, and for maintaining entire the Conſtitu- " tional Authority of the King, it is neceſſary that the ſaid Lords " Spiritual and Temporal and Commons of Great-Britain, ſhould de- " termine on the means whereby the Royal Aſſent may be given in " Parliament to ſuch Bill as may be paſſed by the two Houſes " of Parliament reſpecting the exerciſe of the powers and authorities " of the Crown in the name, and on the behalf of the King during " the continuance of his Majeſty's preſent indiſpoſition."

It was then moved, " That this Houſe do, on Friday next, reſolve itſelf into a Committee of the whole Houſe, to take into conſideration the preſent State of the Nation," which, upon the Queſtion put, was ordered accordingly. The Report from the Committee appointed to examine his Majeſty's Phyſicians, and the Report from the Committee appointed to ſearch the Journals, &c. and report Preſidents, was likewiſe referred to the ſaid Committee.

A caſual converſation took place between Lord Loughborough, and Lord Hawkeſbury, on the motion above ſtated.

Lord *Loughborough* ſaid, the words of the Reſolutions juſt read, ſtruck his mind with a degree of aſtoniſhment. He had never before heard, that it was conſtitutionally the province of the other Houſe of Parliament to reſolve what was the right, and what was the duty of that Houſe. He charged the Report of the Committee with great inaccuracy and negligence, declaring, that it was a ſecret to him that he had been choſen a Member of the Committee. He ſaid, ſeveral of the Precedents were imperfect, moſt of them incorrectly ſtated, and no one of them immediately applicable. Indeed, he defied the induſtry of man to produce a Precedent directly in point with the preſent ſituation of the country in conſequence of his Majeſty's incapacity. He mentioned the propriety of moving for a Committee to ſit, previous to their Lordſhips further proceedings, to correct the errors and cure the deficiencies of the Report. His Lordſhip ſtated the facts to which one or two of the Precedents referred, in order to point out, that his charge of inaccuracy in the Report was not ill founded. Before he ſat down, he urged the extreme ſerioufneſs of the ſubject, and its infinite importance, declaring, Lord Lough-borough.

ing, that if the Houſe meant to preſs the conſideration of the Reſolutions that day, he would riſe again, and ſtate his ſentiments upon them.

Lord Hawkeſbury.

Lord *Hawkeſbury* complained of the irregularity and prematureneſs of commencing any debate at that moment, when it had been previouſly underſtood by their Lordſhips that no diſcuſſion was to take place on the Reſolutions of the other Houſe of Parliament that day. His Lordſhip admitted the importance of the ſubject, and thence argued, that it was the more neceſſary that their Lordſhips ſhould be left to come with their minds clear for its deliberation, on the day to which the debate was intended to be deferred. Much, he ſaid, could be urged in anſwer to what had fallen from the noble and learned Lord on the ſubject of the alleged inaccuracy of the Report; indeed, if any errors had eſcaped the Committee when they were preparing it, much as the circumſtance was to be lamented, it muſt be in a great meaſure attributed to the thinneſs of the attendance of the Committee; to that it was owing that the Houſe, which certainly meant, when it appointed the Committee to advantage itſelf, as far as the ſcope of ſuch a Committee would allow, of the moſt enlightened minds, and moſt diſtinguiſhed abilities in that Houſe, had been diſappointed of their expectations.

A motion was next moved for the Houſe to be ſummoned.

The motion of adjournment was then put, and the Houſe adjourned to Friday next.

Friday, December 26.

As ſoon as the order of the day had been read for the Houſe to reſolve itſelf into a Committee of the whole Houſe to take into conſideration the preſent State of the Nation, and Lord Onſlow had taken his ſeat at the table,

Lord Hopetoun.

Lord *Hopetoun* roſe and deſired, before their Lordſhips proceeded to any deciſion upon the three Reſolutions, to be indulged with a few minutes of their Lordſhips time. The Earl then began with reflecting on the melancholy occaſion of the ſort of diſcuſſion

diſcuſſion it was that day their duty to enter upon; a taſk which no one of their Lordſhips, he was perſuaded, would perform without feeling the moſt ſincere ſorrow and the moſt unfeigned concern; but as it was their indiſpenſible duty, however reluctantly they might proceed, a due regard to the intereſts of their country would oblige them to act as their wiſdom ſhould direct in ſo trying an emergency. His Lordſhip took a view of the ſeveral topics that had come under the notice of the two Houſes of Parliament, from the day of their having firſt aſſembled, and ſaid, whether the right of the Prince of Wales to the Regency that had been contended for by ſome, and reſiſted and denied to have any exiſtence by others, were founded or not, or whether the right of appointing a Regent lay with the two Houſes of Parliament, it was the unanimous opinion of all, both of the two Houſes and the Public at large, that the Prince of Wales was the perſon who ought to be named Regent, with ſuch powers as the two Houſes ſhould think the exigency of the caſe might require. The Earl lamented that the right of the two Houſes had been forced to a deciſion, but having been obliged to be diſcuſſed and determined, he muſt pronounce in favour of the Reſolutious as voted by the Houſe of Comommons.

Earl of Abingdon

The Earl of ABINGDON roſe next, and ſaid:

My Lords,

Having obtained the object I had in view, by the agitation of the queſtion that is now before us, and finding it to be not only in the hands of thoſe where it ought to be, but where every poſſible light will be reflected upon it; I riſe, under theſe circumſtances, my Lords, to trouble your Lordſhips with a very few words only.

Upon the preſent doleful occaſion, I have heard of doctrines, that whilſt I recount them in my mind, I ſtand almoſt petrified with aſtoniſhment. *Animus meminiſſe horret.* It has been ſaid, that deliberation in the two Houſes of Parliament, at this awful criſis, is not of neceſſity: that the moment it was eſtabliſhed by the report of the Phyſicians, that his Majeſty's health would not *at preſent* permit him to diſcharge the duties of his *truſt*, the Prince of Wales *de jure*, ſucceeded to that *truſt*; and that although deliberation for form ſake might be tolerated, deliberation was matter not of eſſence, but of form only, and muſt end in nothing elſe. And theſe, good gracious God, my Lords! are the doctrines of that very man, who, but a while

while ago was plucking the Crown off the head of the Monarch, and ſub-dividing it between himſelf and a ſelf-formed heptarchial junto with himſelf in this and the other Houſe of Parliament. Of that very man, who calls himſelf a Whig; of him, who, whilſt he is in the very act of erecting a monumental pillar in honour and to the memory of the *glorious* Revolution, is by his doctrines tearing up the very centre of the earth, the ſole and only ground upon which that Revolution ſtands. Such are theſe doctrines, my Lords, and being ſuch, I will not reaſon upon the ſubject; I will aſſert dogmatically; I will ſay, that the Prince of Wales, by the Laws and Conſtitution of the land, has no more right, *as Prince of Wales*, to exerciſe the functions of the Crown, than any other ſubject of the realm; and I challenge the ſtouteſt lawyer of you all to controvert this poſition. His right, my Lords, is hereditary, and hereditary only, and that right is *poſthumous*; and let us even ſee what this *poſthumous* right is. The Crown of England is hereditary, but it is hereditary under limitations, reſtrictions, and proviſions. The inheritance, ſays Sir William Blackſtone, is *conditional*; and it is ſo, my Lords, by the expreſs law of the land: for by the ſtatute of the 1ſt of W. and M. Stat. 2, chap. 2, it is enacted, "That every perſon who ſhould be reconciled to, or hold communion with the See of Rome, ſhould profeſs the Popiſh Religion, or ſhould marry a Papiſt, ſhould be excluded, and for ever incapable to inherit, poſſeſs, or enjoy the Crown; and that in ſuch caſe the people ſhould be diſſolved from their allegiance, and the Crown ſhould deſcend to ſuch perſons, being Proteſtants, as would have inherited the ſame, in caſe the perſon ſo reconciled, holding communion, profeſſing, or marrying, were naturally dead."

Now ſuppoſe, my Lords, a caſe to occur within the proviſion of this Statute, and then let me aſk your Lordſhips, who is to be the judge of the perſon ſo incapacitated and excluded by this Statute? Is it the Parliament, (as it has been craftily and ſubtilely ſaid, in order to avoid the energy of this Statute) becauſe the King is one of the conſtituent parts of a Parliament? Will a King exclude himſelf? No, no, my Lords, that excluſion appertains to us, and to the other Houſe of Parliament excluſively. It is to us it belongs, it is our duty. It is the buſineſs of the Lords and Commons of Great Britain, and of us alone, as the Truſtees and Repreſentatives of the Nation.

Nation. It is true, my Lords, that the power to alter or new-model the ſucceſſion, is by law given to the King and Parliament, for theſe are the words of the law; and it is likewiſe true, that by the Act of the 6th of Queen Anne, chap. 7. any perſon who ſhall maintain the contrary of this, ſhall be guilty of the penalties of a premunire. But what is the ſuppoſition of law in theſe caſes? It is, my Lords, that *that King*, ſo ſtanding at the head of his Parliament, has not fallen under the diſabilities of the afore-mentioned Act of W. and M. that he ſits on his Throne under the laws and conſtitution of the country, that he is a King *de jure* as well as *de facto*: but if he has fallen under the diſabilities of that Statute, then I ſay, my Lords, that the right *to new model or alter the ſucceſſion*, veſts in the Parliament of England, *without the King*, in the Lords and Commons of Great Britain ſolely and excluſively. This is Revolution doctrine, my Lords, this is my doctrine, though I do not profeſs myſelf a Whig, though I am not a member of the Whig Club, nor have I ſubſcribed to the intended politico-patriotic obeliſk that is to be at Runney Mead. Neither, my Lords, am I a Tory, but I am what I glory in, and will end my life in, I am a well-wiſher to and a ſupporter of the Britiſh Conſtitution.

And if this be ſo, my Lords, where there is an hereditary Right, where that Right has taken place, and when the Crown is *already* on the head of the King, what ſhall we ſay where there is no Right at all? My Lords, I do again aſſert, that the Prince of Wales has no more Right to the Regency of this country, otherwiſe than as the two Houſes of Parliament ſhall be pleaſed out of their grace and favour to beſtow it upon him, than I have: he may have pretenſions ſuperior to others, he may have a claim, but he has *no right*. His Right to *govern* is *hereditary* only, and the demiſe of the Crown, thank God of Heaven, has not yet taken place. May the King live for ever, my Lords, and let the eſtabliſhed Church of England, let the hierarch of this country ſay, Amen!

But, my Lords, when I have ſaid this, I do not mean to ſay, that the Prince of Wales ſhould not be inveſted with this authority. What I mean to ſay, is, that the Right is yours, in conjunction with the other Houſe of Parliament, and you will do with it as you ſhall think beſt. But in that doing, my Lords, let me conjure you to be wary, to be cautious, to be circumſpect: the concern is weighty:

the caſe is magnitudinous, and of importance infinite. Feel for yourſelves, my Lords, feel for the Nation: but above all, feel, with the pity of men, for the unhappy ſtate of the Monarch himſelf. Remember, my Lords, he may be reſtored to his health, and let us never give up the idea, that "Old Lear ſhall be King again." Remember too, my Lords, that by a vote of ours, we are about to *dethrone* a King: but will his Reſtoration to the Throne depend upon our vote? Here, my Lords, pauſe and think for a moment! I truſt it may! But what has been, may be again. I have read a little of hiſtory, and I have there found, it is eaſier to give than it is to revoke power when given; and eſpecially too, when placed, as it may be, in the hands of thoſe who are for or againſt the Rights of the Crown, as it beſt ſuits with the views of their own ambition. Again, in caſes of common lunacy, I ſpeak with deference to the noble Lord on the Woolſack, the next heir is not entruſted, from the wiſdom of the law, with the guardianſhip of the lunatic. In the caſe before us, who are to be the reſponſible Conſervators of his Majeſtys health, and what the conduit-pipes through which this intelligence is to be conveyed to us? My Lords, the greatneſs of the ſubject calls for united wiſdom, and exceeds individual ability to diſcuſs. But inſomuch I have diſcharged my duty.

A ſingle word more, my Lords. Let the Prince of Wales reflect, that he, as George the Fourth, may of himſelf have a ſon, who will be Prince of Wales, ſo making the caſe of his father his own; and then let him judge who are, upon the preſent occaſion, his beſt and trueſt friends. The Miniſters who act as they do, or the Oppoſition who adviſe and lay down the doctrines they have done. It is ſaid his Royal Highneſs is a man of ſenſe and diſcernment. To the wiſe therefore, my Lords, *a word is enough*.

Lord Rawdon.

Lord *Rawdon* ſaid, if his declaration on a former day when the Houſe had converſed on the ſubject, that he would be the perſon to ſtand forward, and ſingly take the ſenſe of their Lordſhips on the Queſtion of Right, if it ſhould be attempted to be diſcuſſed in that Houſe, had required any apology from him, the neceſſity of that apology was now completely done away by the ſpeech that their Lordſhips had juſt heard. It was now evident, that the looſe and idle opinions of the multitude, that the old womens tales in the ſtreet, and that the moſt vague and extravagant conjectures of the

ignorant

ignorant and uninformed, had made ſuch an impreſſion that they had even found their way into that Houſe, and helped to furniſh ſubjects for Parliamentary declamation. His Lordſhip ſaid, he would make no farther obſervation on the ſpeech they had heard, but would proceed to declare his objection to the ſecond propoſition, and alſo to the third, which was ſo connected with it, that it would be impoſſible not to conſider them both at one and the ſame time. Both thoſe propoſitions appeared to him to be equally unneceſſary and unwarrantable. From the former of the two, it would be imagined, that ſome claim denying the admitted right of all free men, in all times to chuſe their own form of Government, and in contradiſtinction to the right of the two Houſes, had been ſet up in a regular way, ſo as to render a declaration of the right of the two Houſes neceſſary. That no ſuch claim of right had been brought forward in any regular way in either Houſe of Parliament, was a fact ſo well known that no noble Lord he preſumed would venture to deny it. Nay, their Lordſhips had heard, through the medium of the higheſt poſſible authority, a declaration on the part of the Prince of Wales, that he never meant to aſſert any ſuch right, and their Lordſhips had been urgently deſired from a regard to the feelings of the Royal Family not to agitate ſuch ſuppoſed claim. In the moment that every one of their Lordſhips, he doubted not, would cordially join in expreſſing their heart-felt ſorrow for the lamentable ſituation of their Sovereign, he aſked, were any of them willing to ſhew that they were ſo deſtitute of delicacy, and of manifeſting a due attention to the feelings of his Majeſty's family, as to aggravate their diſtreſs, by unneceſſarily entering on a diſcuſſion which had been on the part of the family deprecated with ſo much earneſtneſs? Before they could vote the third propoſition, his Lordſhip thought the Houſe ought to have before them a clear and preciſe deſcription of the proceeding that the reſolution was meant to be followed up with; as the reſolution ſtood, the wording of it was ſo equivocal and ambiguous, that it was impoſſible for their Lordſhips to be aware of the ſort of proceeding that was meant to be grounded upon it. His Lordſhip ſaid, the alarm had already gone forth, men's minds began to be irritated and inflamed, and the paſſing of the three Propoſitions would lay the grounds of ſo much future miſchief and diſſention, that it would convulſe the nation

from one end of it to the other, and endanger the exiſtence of the Conſtitution itſelf. To avert therefore ſo fatal an evil, and with a view to render it unneceſſary for the Houſe to vote either the ſecond or third reſolutions, he ſhould move ſuch an amendment to the firſt reſolution as would meet the unanimous ſentiment of the public, and, he believed, of both Houſes of Parliament. His Lordſhip moved the following words to be added to the firſt reſolution:

"That an humble Addreſs be preſented to his Royal Highneſs "the Prince of Wales, praying his Royal Highneſs to take upon "himſelf, as ſole Regent, the Adminiſtration of executive Govern- "ment in the King's name, during the continuation of his Majeſty's "aforeſaid indiſpoſition and no longer."

Lord Preſident.

The Lord *Preſident* reſiſted the amendment, as it appeared fraught with an intention to lay aſide and evade the diſcuſſion of as important a queſtion as ever had been agitated in that, or the other Houſe of Parliament, viz. the Right of the Prince of Wales, as Heir-Apparent, to exerciſe the Sovereign Authority during the incapacity of his Majeſty. That ſuch a Right exiſted was what he had never heard, before he heard that the doctrine had been broached in the other Houſe of Parliament; as ſoon as he learnt it had been aſſerted, he had ſtated it in debate in his place; and however irregular his introduction of it might have been, their Lordſhips had heard a noble and learned Lord, whoſe opinions were deſervedly of great weight and authority in that Houſe, argue and contend for its exiſtence, with a conſiderable degree of gravity and earneſtneſs. If ſuch a right did attach to his Royal Highneſs the Prince of Wales, it ought to be acknowledged and recognized, becauſe in that caſe their Lordſhips, and the other Houſe of Parliament, as he had before ſaid, were *uſurpers* of the rights of another perſon, and were deliberating in a caſe which did not belong to them to diſcuſs, but which, as the doctrine had been laid down, it was their duty only to adjudicate and declare. He ſaid, he was extremely ſorry that the queſtion of Right had been agitated, but having been once broached, it muſt be decided, that mens minds might be ſet at reſt upon it. As to any miſchiefs that could ariſe from it, he declared, he ſaw none; but if it were true, that miſchiefs would be produced by its agitation, thoſe miſchiefs were already produced, and the alarm that had gone forth, if any ſuch had gone forth as the noble

noble Lord had aſſerted, ought to be quieted. Having ſaid this, his Lordſhip took notice of the obſervations ſuggeſted laſt Tueſday by a noble and learned Lord, on the alledged incorrectneſs of the Report from the Committee of Precedents. He proteſted he knew not that there was any real ground for ſuch a charge againſt the Report, but he would venture to ſay, that if in the preparation of it any omiſſion had been made, or any error had eſcaped, it was a matter of pure accident, and perfectly unintentional; he would add too, that he did not think, if the fact were ſo, that the incorrectneſs, whatever it might be, was at all material.

His Lordſhip cautioned the Houſe againſt depreciating the precedents then before them, becauſe the ſame arguments that would ſupport an attack upon them, would go to the length of calling the validity of *Magna Charta* in queſtion. He proceeded to point out in what manner the precedents bore any ſort of analogy to the preſent ſituation of affairs. He ſaid he would not trouble the Houſe with entering into a minute diſcuſſion of each, but would merely content himſelf with obſerving upon thoſe which bore the cloſeſt analogy. The firſt of theſe was a precedent of Edward the Third, who had been declared Regent in the life-time of his father, and had a Council put upon him. The next was upon the death of Henry the Fifth, which he conceived to be a good, a ſubſtantial, and a legal precedent, the proceedings of Parliament at that period being as grave and formal as at any period of our hiſtory. His Lordſhip went through the detail of the precedent in all its points, to the exhibition of the claim of the Duke of Glouceſter, as Regent of right, in abſence of his elder brother the Duke of Bedford; in order to ſhew clearly what had been the opinion of Parliament upon that claim, he deſired that the Clerk might read the record, ſtating the Duke's claim, and the anſwer of the Parliament, which was accordingly done, and thence it appeared that the Duke refuſed to attend Parliament till he knew what his authority in Parliament was, and made his claim as neareſt of kin to the infant Monarch in the abſence of his brother, the Duke of Bedford; when the Parliament in reply, in the moſt unequivocal terms, declared that the Duke had no right, either of his own, from relationſhip to the King, or by virtue of his brother's will, but that they had appointed him *Protector* and *Defenſor* of the kingdom, meaning by the name expreſsly

to guard againſt any idea of their acknowledging any right in him to exerciſe the Royal Authority. His Lordſhip reaſoned on this record at ſome length, and deſired any one of their Lordſhips to point out to him any difference in reſpect to ſuch a right as had been aſſerted to be in the Duke of Glouceſter in the infancy of Henry, between an Heir-Apparent and an Heir Preſumptive, or between an interruption of the exerciſe of the Royal Authority through infancy, or incapacity from indiſpoſition. The ſame precedent that had analogy to the one bore analogy to the other. His Lordſhip contended for the quietude of the times whence this precedent was drawn, it being in a moment of internal peace, when a King, deſervedly the idol of his people, and when Bedford and Glouceſter, the two Princes nearly allied to Henry the Sixth, were men of high fame, one of them the moſt able, the other the moſt popular character of his day. The next precedent his Lordſhip referred to was that of the 32d and 33d year of Henry the Sixth, when in conſequence of the King's ſickneſs the Duke of York was appointed Regent, exactly with the ſame limitations that had been put into the patent appointing the Duke of Glouceſter Protector. His Lordſhip faithfully recited all the circumſtances of the Duke of York's taking up arms, and marching an army of ten thouſand men to London, upon the pretence of obtaining a redreſs of grievances, his being deceived by Queen Margaret and Somerſet, and his retirement to his caſtle in Wales, where he lived almoſt two years before he returned again to London, and was appointed Regent. His Lordſhip expatiated on the wiſdom of our anceſtors, as manifeſted in their conſtant endeavours to reſtrain ambitious men from aiming at the Government, by ſhackling them with councils of Regency, and fettering them with ſuch other reſtrictions as ſhould prevent them from graſping at the whole of the Royal Authority. He begged, however, that his obſervations of this tendency might be conſidered as applicable ſolely to the wiſdom of our anceſtors, and that he concurred with them in thinking that to be the true line of policy. He meant not to glance at the preſent Heir-Apparent, who, he was ſure, would be the laſt man deſirous of aſſuming powers which the two Houſes of Parliament would not think it conſiſtent with the ſafety of the Crown, or of the nation, to forego or ſuffer to be taken out of their hands, as Repreſentatives of all the

eſtates

eſtates of the people. Such was the infirmity of human nature, ſuch the natural proneneſs to ambition, and ſuch the inordinate thirſt after dominion and power, that, he ſaid, it behoved the two Houſes always to regard an opportunity to advance the objects of ſuch paſſions with jealouſy, and to provide reſtrictions to check their progreſs. With regard to the Prince of Wales, ſo amiable had been his conduct, that it ſat ſuſpicion at reſt, and rendered the taſk of limitation leſs difficult. There was no intention, in reality, to withhold from his Royal Highneſs above one or two inſtances of exerciſing Royal Authority, and thoſe ſuch only as a due regard for the preſervation of the Crown on his Majeſty's head, and the ſecuring to him the power of reſuming the exerciſe of all his Royal Prerogatives, when he ſhould be reſtored to health, indiſpenſibly demanded; his Royal Highneſs would have the power of diſſolving Parliament, of appointing his own political ſervants, of entering into foreign treaties, and, in fact, all the power neceſſary for the carrying on a ſtrong and vigorous Government. In the courſe of the proceedings that had taken place, his Lordſhip ſaid, he truſted it would be admitted that the preſent Adminiſtration had acted impartially, and with no view to promote their own private intereſts. For his part, he was arrived at an age when a retired life would better ſuit his years, and where he might have an opportunity of ſerving his country to as much advantage ſome other way as he could do in office. Whenever the new Adminiſtration came in, however, he would be bold to ſay, that they would not find the preſent Miniſters form themſelves into a malignant or unpricipled Oppoſition. Whoever were to form the new Adminiſtration, his ſincere and earneſt prayer was, that they might act as conſcientiouſly as their predeceſſors, and be able to ſerve their country with better effect and better ſucceſs.

Lord *Stormont* roſe as ſoon as the Lord Preſident ſat down, and ſaid, in what he had to trouble their Lordſhips with that day, he would endeavour as much as poſſible to avoid repeating any of thoſe obſervations which he had made in the courſe of the debates that had already occurred on the ſame ſubject. It was not his intention to follow the noble and learned Lord, who had juſt ſat down, through all the hiſtorical detail that the noble and learned Lord had favoured the Houſe with, as he did not pretend to more than a general

Lord Stormont.

general knowledge of the hiſtory of his country. The Committee appointed to ſearch for precedents, had undoubtedly furniſhed them with a conſiderable number; but among them all, there was not one that came ſufficiently near to the preſent calamitous ſituation of the country, to be conſidered as a precedent in point, or that ought to be relied on as authority. Some of the precedents in the Report were ſo extravagantly wide of the preſent caſe, that it was impoſſible to gueſs the reaſon of their having been cited, unleſs it were to prove how wildly their anceſtors had, in the eldor periods of our hiſtory proceeded, and with how little regard to the Law of the Land, or the Conſtitution of the country. As no precedent could be found that could with ſafety be followed, it behoved their Lordſhips to purſue that line of conduct which ſhould be conſiſtent with good ſenſe, and to adopt that meaſure that ſhould leaſt affect the landmarks of the Conſtitution. The noble and learned Lord had paſſed over all the precedents preceding the reign of Edward the Third, from a conviction, no doubt, that they were ſelected from times full of anarchy and confuſion, and from a laudable attention to that old generous maxim *de Mortuis nil niſi bonum*. The noble and learned Lord had however reſted a good deal of his argument on the two precedents taken from the early part of the reign of Henry the Sixth, and from the thirty ſecond and thirty third years of the ſame reign, becauſe, as the noble and learned Lord had declared, thoſe were times of peace and tranquility. Was the period in which Henry the Sixth, while an infant, aſcended the Throne, a period of peace and tranquility? A period when the flower of our nobility were in France, together with almoſt the whole of the Engliſh army, and when the beſt blood of the country had been ſpilt in that kingdom, fighting for the Crown, and protecting thoſe provinces that the gallantry of Henry the Fifth had acquired! Did their Lordſhips remember what had paſſed in France, when Charles the Sixth was afflicted with a ſimilar malady, to that under which his Majeſty laboured, and when that rich kingdom had been torn and diſtracted by the two powerful parties, the one headed by the Duke of Burgundy, the other by the Dauphin; the Burgundians had got poſſeſſion of the King, and carried him about as a Pageant, making the moſt ſhameful uſe of his name, and the moſt wanton exerciſe of his authority, while the Dauphin by his wiſdom and valour recovered the

the Crown, and laid the foundation of that greatneſs France had ſince arrived at. Did their Lordſhips recollect, that this country was deeply engaged in thoſe conteſts, and could the period in which they were carried on, be called a period of peace and tranquility to England? Were thoſe peaceable times alſo, when Richard Duke of York was choſen Protector of the kingdom, and exerted every nerve that tyrranny and corruption could call into action, to further his ambitious deſigns upon the Crown? The Duke of York had been held up by the noble and learned Lord as a character worthy of imitation; that Duke of York, who though leſs bloody, was ſcarcely leſs immoral, inſidious, and unjuſt, than Richard the Third. As well might that ſcene which they had all ſeen ſo frequently well acted, in which Richard the Third is diſcovered, leaning on two churchmen, when viſited by the mayor and citizens of London, be extolled as a proof that Richard was a pattern of piety, as Richard Duke of York (who after the battle of St. Albans where he had wounded his King, and taken him priſoner, took a ſolemn oath at Paul's Croſs that he was, and ever had been, Liegeman to his Prince,) be held up as an example of loyalty. With as little regard to fact alſo, could the precedent of Edward the Third be ſaid to be a precedent choſen from peaceable times, becauſe as their Lordſhips muſt remember, Edward the Third put his ſignature to a commiſſion when he was only fourteen years of age, at a time when his father had been forced to become a fugitive through the intrigues of Mortimer and Queen Iſabel, and when the country was diſtracted with all the horrors of a civil war. The precedents therefore to which the noble and learned Lord had pointed as precedents taken from peaceable and undiſturbed times, were precedents ſelected from periods of our hiſtory peculiarly unſettled and unquiet. But though the fact were ſo, it was little to the purpoſe, becauſe he repeated it, no one of the precedents applied, the Legiſlature of thoſe times having been compleat, whereas now there were only the two Houſes of Parliament aſſembled. His Lordſhip here made the ſame diſtinction that Mr. Fox had drawn in the other Houſe, declaring, whenever in the future parts of what he had to ſay, he ſhould have occaſion to mention the two Houſes of Parliament, he would deſcribe them in thoſe words, and whenever he wiſhed to

ſpeak

ſpeak of the Parliament, properly ſo called, he would call it the Legiſlature.

He defied the noble and learned Lord to produce a ſingle inſtance in which the Heir-Apparent had been of full age and capacity to govern; it was needleſs therefore to take up more of the time of their Lordſhips, by dwelling upon precedents which had no analogy to the preſent moment; the ſpirit of the conſtitution muſt be referred to, and that line of conduct adopted that ſhould upon examination be found to be moſt congenial to it. In that point of view let the Amendment propoſed by the noble Lord be conſidered. The ability with which the noble Lord had opened his Amendment, had excited the general admiration of every one who heard his argument, and juſtly entitled the noble Lord to that compliment, which had been paid to John Duke of Argyle, viz. that he was by nature qualified

"To ſhake at once the Senate and the Field."

Let the Committee conſider whether in attaining an object, about which there was but one opinion, they would prefer a circuitous mode, to a mode direct, obvious, plain, ſimple and eaſy. If they adopted the mode ſuggeſted by the Houſe of Commons, and preferred the circuitous line of proceeding, they would aſſume the functions of the third branch of the Legiſlature, and trench upon the Prerogatives of the Crown, which it was as much their duty to reſpect and ſupport, as their own privileges, or thoſe of the other Houſe of Parliament. With regard to the argument that the Prince of Wales ought to be declared Regent under certain limitations and reſtrictions, let their Lordſhips recollect the difficulty that ſort of conſideration would lead to. It would be impoſſible to admit, that the Prerogatives of the Crown could be divided, and ſome of them reſerved, while others were given to the Regent, and at the ſame time to contend, that the Regent would nevertheleſs be able to carry on a ſtrong and a vigorous Government, without opening a door to an argument, which however cogent he did not mean to preſs upon their Lordſhips; namely, that if there were Prerogatives annexed to the Crown, that were not in themſelves neceſſary to the energy and vigour of Government, thoſe Prerogatives might be ſpared and ought to be aboliſhed, ſince the Crown no more than the

Regent

Regent ought to enjoy Prerogatives that were admitted not to be eſſential to the benefit and advantage of the community. Every diſcuſſion of this ſort would be precluded, were the noble Lord's Amendment adopted, and, what was not a leſs important object, harmony between the two Houſes would be ſecured, while neither their rights, for which the noble and learned Lord had ſo ſtrenuouſly contended, would be ſacrificed or called in queſtion, nor would the functions of the Prerogative be aſſumed or invaded. Every noble Lord who had hitherto ſpoken on the ſubject, had juſtly profeſſed a veneration for the Revolution; why then would they not imitate that example, which they all profeſſed ſo much to admire? The words of the Amendment were preciſely the ſame with thoſe adopted by the Convention Parliament, when it was reſolved to addreſs the Prince of Orange, with the exception only of the reference to the incapacity of his Majeſty; and ſurely no one of their Lordſhips would contend, that the Addreſs voted to the Prince of Orange, implied that he poſſeſſed any other Right to the Throne, than that which he derived from the votes of the two Houſes. Let their Lordſhips turn to the debates in the year 1688, and they would ſee the miſerable jargon introduced by the lawyers of that period. Lawyers, it was notorious, generally ſpeaking, mingled ſo much of their legal refinements with political argument, that they made ſad work of it. At the time of the Revolution every diſtinction that ſophiſtry could ſuggeſt, and ingenuity invent, was devized, and inſiſted on to miſlead the Houſe of Commons, and confound their judgment; but the leading men of thoſe days, who though not great lawyers were great ſtateſmen, ſwept away the cobweb diſtinctions of profeſſional reaſoners at once, and by dint of ſound ſenſe prevailed on the Houſe to ſpeak by their actions, and come directly to the point, and declare the Prince of Orange King, a vote which happily for the nation was carried, though only by a vote or two. His Lordſhip alluded to the turn and character of the debates of thoſe days, and particularly mentioned the diſtinction taken by Mr. Finch, the anceſtor of a noble Lord then preſent, [Lord Winchelſea] who in arguing for a Regency had aſſerted "That the Throne was not *vacant*, but that King James was *out of his underſtanding*." In that debate, in which the two points in queſtion were, whether the Prince of Wales ſhould be declared Regent or King,

King, none of thoſe members, who ſupported the argument in preference of a Regency, ſuggeſted one idea of limiting or reſtraining the Regent in any degree whatſoever. The ſecond and third Reſolutions as originally propoſed, and as ſent up by the Houſe of Commons, clearly implied an idea that the two Houſes of Parliament had not only a right to decide electively, but to legiſlate for themſelves, independent of the Crown, the third branch of the Legiſlature. An idea which his Lordſhip confeſſed he dreaded, and which he truſted the Committee from a due regard to the Conſtitution would never countenance.

If the doctrine that the two Houſes could in any inſtance aſſume the functions and prerogatives of the Crown were admitted, it muſt be admitted that they could do ſo in many, and it was not in human imagination to divine to how dangerous an extent ſo unconſtitutional a practice might be carried. He reminded their Lordſhips of the violence of the Houſe of Commons in 1648, which had led them firſt to vote, that any Reſolution of their own, independent of the concurrence of the two other branches of the Legiſlature ſhould have the force of Law, and afterwards to declare the Houſe of Lords *uſeleſs*, upon their Lordſhips refuſing to concur with them in their Reſolution to bring the King to trial. The Houſe of Commons had not been aware that they were at the time laying the foundation of their own ruin. Their proceeding to be ſure had been rather blunt, but had they lived in times of modern refinement, how eaſily might they have ſolved their difficulty, ſanctioned their deſign with the colour of law, and rendered it effectual by only having recourſe to the expedient now brought forward, and under pretence of a fiction of law, practiced that upon the great ſeal which it did not become him in that Houſe to mention in plain terms, and iſſued a commiſſion in the name of the King, appointing commiſſioners to give the Royal Aſſent to a Bill drawn for the purpoſe of beſtowing legiſlative authority on the proceeding.

His Lordſhip painted in ſtriking colours the dangerous effects of ſetting up ſuch a pageant in lieu of the third Eſtate, and contended that being clearly the creature of the two Houſes, it could not poſſibly exert any of thoſe independent and important prerogatives that gave the Crown conſtitutional power to reſiſt the encroaches of either of the two other branches of the Legiſlature. Among other inſtances

of

of its operating dangerouſly to the deſtruction of the Royal Prerogative, his Lordſhip ſaid, it was not the leaſt worthy of attention, that the *Negative* of the Crown, that great barrier ſet up by the Conſtitution, for the purpoſe of arming the Crown with a powerful means of defence againſt any hoſtile attempts of the two Houſes of Parliament, was completely done away. The Royal Negative, it was true, had not been exerciſed by the Crown for a conſiderable length of time, but it, was not a leſs important inſtance of the Royal Prerogative, and when the Committee were deliberating, whether they ſhould agree with the other Houſe to aſſume the legiſlative capacity of the Crown in ſuch a manner, as ſuppoſed the diſcretional power of the Royal Negative not to exiſt, and by implication admitted, that it could be diſpenſed with, it was the duty of their Lordſhips to weigh well the abſurdity and danger to which the allowing ſuch a fiction of law to paſs, would expoſe them. He put the caſe, that the noble and learned Lord, who now ſo worthily held the great ſeal, ſhould chooſe of his own accord to fix the great ſeal to a patent of peerage; he aſked how would that Houſe receive a Peer ſo created? Would they not refuſe to conſider him as one of the peerage? [His Lordſhip was here whiſpered, that the forms a patent of peerage muſt undergo, as well as the perſon created a Peer, rendered his hypotheſis impoſſible.] He ſaid, he thanked the noble Lord for ſetting him right, but he would put another caſe, that he was ſure was correct; ſuppoſe that the noble and learned Lord who held the great ſeal ſhould affix it to a commiſſion, declaring the Royal Aſſent to a Bill, reſpecting which there had been much difference of opinion in both Houſes; how were thoſe who had oppoſed the Bill to contend againſt it as a law? He mentioned the Statute of Charles the Second, as expreſsly declaring that the two Houſes could not legiſlate, without the conſent of the Crown, and pronouncing, that any perſon who, by *adviſed ſpeaking*, ſhould affirm the contrary, ſhould incur the pains and penalties of a premunire. His Lordſhip ſaid, there occurred to his mind another difficulty, and he did not ſee how it could be got over; and that was, the ſubſcription of the Royal ſignature to the commiſſion to which the great ſeal was to be annexed, for the purpoſe of opening the Parliament, and paſſing a Bill. It had formerly been held, that the King could not give the Royal Aſſent to any

Bill,

Bill, but by being preſent in perſon in that Houſe. In the reign of Henry the Eighth, an Act had paſſed, empowering his Majeſty to give the Royal Aſſent to any Bill or Bills by a commiſſion iſſued under the great ſeal, and ſanctioned by the Royal ſignature. In the preſent caſe, how would his Majeſty's miniſters be able to give their commiſſion legal authority without the Royal ſignature? If they could do it in one inſtance, they could do it in more, and might proceed to a degree of enormity dreadful to be conceived. He urged the increaſe of difficulties that muſt accumulate, if the circuitous mode propoſed by the ſecond and third Reſolutions was perſiſted in. The Land and Malt Tax Bills would ſoon be neceſſary to be paſſed, and he aſked whether miniſters meant to maintain their fiction by uſing it as an authority for levying money on the ſubject? He inſiſted upon it, that however ably the argument might be urged in defence of the mode of proceeding recommended by the third Reſolution; and however the real nature of that proceeding might be gloſſed over and diſguiſed, to all plain men like himſelf, unacquainted with legal entanglements, and fictions of law, it would appear to be neither more nor leſs than a direct attempt in both Houſes to aſſume the exerciſe of the prerogatives of the Crown, and legiſlate for themſelves in defiance of an expreſs ſtatute, to which he had before referred. He called upon noble Lords to point out to him what difficulties voting the addreſs would ſubject them to. It would neither invalidate the rights of the two Houſes, recognize the claim of the Prince of Wales, (though much might be urged in ſupport of it) nor prevent their proceeding to paſs a Bill of limitations, if it ſhould be thought wiſe to lay the Regent under any reſtrictions. With regard to the latter, the Addreſs moved by the noble Lord by no means precluded ſuch a Bill; but to attempt to paſs it at preſent would be indecent and unfair. Let them fill the third Eſtate, declare a Regent, and eſtabliſh the Royal Authority, and then, if it ſhould be thought neceſſary to reſtrain its powers, combat them in a manly way, when the Royal Authority was capable of defence, and could act for itſelf. He took notice, that the ſecond and third Reſolutions had been argued on two grounds, that of political neceſſity, and that of expediency—two grounds that eſſentially contradicted each other, becauſe the one was compulſory, the other optional, depending merely on the opinion of thoſe who acted

acted upon it. He denied that there could exist such a thing as political neceſſity, declaring that a moral clear and intelligible neceſſity was an intelligible phraſe, but that political neceſſity was not ſo, nor ever uſed as a fit ground for a parliamentary proceeding. He defined the diſtinction between neceſſity and expediency, and contended, that in the one caſe deliberation might be had, in the other it could not. He warned the Committee again and again, upon the danger of countenancing any departure from the limits preſcribed by the Conſtitution to the two Houſes of Parliament, and mentioned the circumſtance of the Houſe of Commons having in the reign of Charles the Firſt, wiſhed to have it allowed, that from that time forward the Officers of State ſhould be named and appointed by the two Houſes of Parliament, obſerving that juſt before the King had erected his ſtandard at Nottingham, a meſſage was ſent to him, to obtain his conſent, but King Charles had thrown a die for the whole, and would not ſubmit to hold his authority as ſovereign on limited conditions. Their Lordſhips well knew, the diſmal ſcenes that followed, which ended in the diſſolution of the monarchy and the conſtitution. His Lordſhip added a great many more pertinent obſervations, and repeated in the ſtrongeſt and moſt perſuaſive terms, his recommendation to the Committee to adopt the ſhort and eaſy path of voting the Amendment, in preference to the circuitous road chalked out by the ſecond and third Reſolutions. He reminded them, that all agreed in the propriety of declaring his Royal Highneſs the Prince of Wales Regent; he aſked therefore, why ſhould they differ about the means of conſtituting his Royal Highneſs to that office, when the readieſt mode of doing it, with perfect ſafety to the Conſtitution, preſented itſelf to their hands. The noble and learned Lord had deſired them to recollect that they were not merely called on to ſettle a temporary difference of opinion, but that they were deciding for poſterity; he begged leave to join in the noble and learned Lord's requeſt, and to urge it to their ſerious conſideration with all the additional force that his poor abilities could give it. They were eſtabliſhing a precedent, that in times leſs enlightened than the preſent, might be uſed as the ground-work of proceedings, the moſt fatal to the liberties of the People and the exiſtence of the Conſtitution, that could be imagined.

The

Duke of Richmond

The Duke of *Richmond* juſtified the third Reſolution, and the means intended to be purſued under its authority, by the neceſſity of the caſe, and contended, that the two Houſes would equally proceed to an act of legiſlation, whether they voted the Reſolutions, (which were a kind of guard againſt an unneceſſary exerciſe of ſovereign authority, under a fiction of law, and ſuch an exerciſe of it, as the extreme exigency of the caſe made abſolutely neceſſary), or voted the Addreſs, propoſed by the amendment. He ſaid, he had the higheſt reſpect for his Royal Highneſs the Prince of Wales, and had not the moſt diſtant idea, that were his Royal Highneſs declared Regent inſtantly, and by the means recommended in the amendment, that his Royal Highneſs would do any thing improper; but his duty to his Majeſty, and the duty they all owed to the Crown, and to themſelves, made it incumbent on them to guard againſt any poſſible danger, and to deliver ſuch a precedent to poſterity, as ſhould at once mark the extreme caution with which they had proceeded in a caſe of ſuch infinite difficulty, and ſecure the ſafety of the Conſtitution to future ages. If without any ſuch limitation or reſtriction the Prince were inſtantly declared Regent, he conceived the whole perſonal property of his Majeſty would come into the hands of the Prince of Wales, and all his Majeſty's ſervants from the noble Lords with white ſtaves, down to the loweſt page, might be removed. Nay, the very phyſicians that had the care of his Majeſty's health might be changed. All his Majeſty's wealth likewiſe might be ſeized, and perverted from the uſes to which his Majeſty might have graciouſly intended to apply it. The Duke ſaid, when his Majeſty ſhould happily be on his recovery, the knowledge of the alteration in the ſtate of his houſehold and of his perſonal property might have the worſt poſſible effect; indeed the reflection it might give riſe to, muſt be ſo ſevere, that it would be enough to drive men of ſound minds out of their ſenſes. He declared, he meant not to inſinuate that his Majeſty's perſon would not be ſafe in the power of the Prince of Wales. He was ſure that it would. The ſtrong marks of filial affection and tenderneſs that his Royal Highneſs had manifeſted during his Majeſty's melancholy illneſs, were the moſt flattering proofs, that every token of kindneſs and care would be exerted by the Prince; but he was reaſoning on the poſſibility of the caſe, and it was the duty of their Lordſhips to guard

guard againſt that abuſe of power, to which, from the infirmity of human nature, every man was liable.

Lord *Hawkſebury* admitted that the means deſcribed in the third Reſolution might be deemed a fiction of law, but it was by reſorting to ſuch fictions, and by adhering to the forms of the Conſtitution, in caſes of great exigency, that the Conſtitution itſelf was to be preſerved. His Lordſhip ſaid, it had not only been the caſe in the reign of our Henry the Sixth, when the great ſeal had been put to a commiſſion by an infant not above nine months old, and conſequently incapable of either acting for itſelf, or knowing what it did; but in France, ſo lately as the death of Louis the Fourteenth, when the young King, Louis the Fifteenth, was brought up by his Gouvernante in form, and ſeated on his Throne at a *Lit de Juſtice*, while the Duke of Orleans, as the Regent, knelt before him, ſtated to him the number of the French forces, the proceedings of the Parliaments, &c. and repeated commands which were, for form ſake, ſuppoſed to have been communicated by the infant King, who was not at the time quite four years of age. Lord Hawkeſbury.

Lord *Portcheſter* charged the three Reſolutions with groſs inconſiſtency. The firſt declared his Majeſty incapable of exerciſing the Royal Authority, and the third ſuppoſed him capable of giving the Royal Aſſent to a bill. His Lordſhip called upon the noble Lord who ſpoke laſt, to ſhew him a precedent of a Prince of Wales, of full age and capacity to govern, who had not been appointed Regent during the incapacity of his father; as the noble Lord had himſelf furniſhed moſt of the precedents contained in the Report on the table. Lord Portcheſter ſaid, he muſt be apprized of it if any ſuch precedent, as he referred to, exiſted; but the noble Lord well knew there was no ſuch precedent to be found. He reprobated in ſevere terms the expedient authorized by the third Reſolution, and ſaid, ſo far from being what noble Lords had deſcribed it, calculated by means of a *forgery* of the Great Seal to preſerve the forms of the Conſtitution, and keep the Royal Authority whole and entire, it tended immediately to diſſolve the very fabrick of the Conſtitution, to put an end to the Three Eſtates, and divide the Royal Authority into four parts; to give one to the Houſe of Commons, another to the Houſe of Lords, and a third to a Commiſſioner or Commiſſioners, to enable them altogether to deliver the remaining Lord Portcheſter

part to a Regent. He denied the doctrine of a learned and noble Lord, who had maintained that the infancy and incapacity of a King were ſimilar caſes, and maintained that there was an eſſential difference between an *Heir Apparent* and an *Heir Preſumptive;* ſince in the caſe of the former the *lineal* ſucceſſion went on, in the other *collateral* deſcent only. The firſt was more favoured by the law than the latter. His Lordſhip deprecated a difference of opinion with the other Houſe of Parliament, and ſaid, in the very centenary of the Revolution, when the people were preparing to erect a pillar in honour of that memorable event, their Lordſhips were called to pull up by the roots the Conſtitution which had been ſo glorioufly eſtabliſhed in 1688. He declared he felt abaſhed, as a Peer of Parliament, and a member of that Houſe, on finding that the Houſe of Commons ſhould have taken upon themſelves to declare what was his right and his duty.

Earl Carliſle.

The Earl of *Carliſle* lamented the melancholy cauſe of their diſcuſſion; he declared he did not conſider a reſolution of the Houſe of Commons as binding upon their Lordſhips, nor could he ſee how it followed, that becauſe the other Houſe of Parliament had thought proper to vote the ſecond and third Reſolutions, that their Lordſhips ought to vote the ſame. The Earl denied the analogy between the precedents relied on and the preſent caſe, and ſaid, the proceedings referred to by the noble and learned Lord, had all of them occurred during the ſitting of legal Parliaments, when the Legſlature had been complete. He warned their Lordſhips to beware, leſt by deviating from the ſtrait path of the Conſtitution, Ireland ſhould be inclined to do the ſame. His Lordſhip declared himſelf a ſtrong advocate for the amendment.

Marquis of Lanſdowne.

The Marquis of *Lanſdowne* began by declaring the Queſtion, comprehended and involved in the diſcuſſion and deciſion of that day, to be of the greateſt magnitude and importance, and meriting the moſt ſerious and ſolemn diſcuſſion of any that had ever engaged the attention of a Houſe of Parliament. He owned, he ſaid, it gave him very particular concern that Miniſters had ſent up the third Reſolution from the Houſe of Commons at the ſame time that they had ſent up the ſecond, and that they had coupled it with it; not that he did not fully approve of the third Reſolution, but merely becauſe the circumſtance of its having accompanied the ſecond Reſolution

lution had afforded the ingenuity of thoſe who wiſhed to prevent the ſecond Reſolution from receiving the ſanction of that Houſe, an opportunity of drawing arguments out of the third Reſolution, and applying them in objection to the ſecond. Miniſters, he ſaw, had made the precedent of the early part of the reign of Henry the Sixth the precedent for their proceeding. He thought they were right in ſo doing, and he wiſhed to God they had gone farther, and followed up the precedent in all its forms. Had ſuch a meaſure been adopted, a meaſure which he ſhould have conſidered as perfectly proper and perfectly juſtifiable, a great deal of the argument, that their Lordſhips had that day heard, would have been cut up by the roots, and it would have been impoſſible for it to have been advanced. In contradiction to the doctrines that had been aſſerted about the two Houſes of Parliament, and that they were then in a Convention, ſingle and unconnected with any ſet of men as he ſtood, he had no heſitation in declaring that the preſent was to all intents and purpoſes a Parliament; a Parliament regularly aſſembled. The King had aſſembled them, the King had the undoubted authority ſo to do, becauſe the King was living. He pretended not to any great knowledge of law, but he knew enough of it to be perfectly aſſured that, according to the Law and the Conſtitution, the Throne was never vacant, and that the King in no age nor no condition, neither as a minor, or otherwiſe, was ever conſidered as unequal and incompetent to the exerciſe of the Royal functions. Minors in private life he obſerved had a variety of rights, they could preſent to livings, and could perform many different acts of conſiderable importance. He wiſhed therefore that his Majeſty's Miniſters had come down at once with ſuch a commiſſion as the third Propoſition pointed out, and that inſtead of having to diſcuſs the propriety of putting the Great Seal to ſuch a Commiſſion, they would have had it in the firſt inſtance to have acted upon ſuch a Commiſſion. It would have coincided much with his opinion in oppoſition to a practice that had of late years obtained, and eſpecially during the American war, viz. the practice of coming to Parliament in the firſt inſtance, and receiving its ſanction beforehand for the meaſures of executive Government, thus confounding the legiſlative with the executive, taking away the reſponſibility from Miniſters for their meaſures, and weakening the powers of enquiry

and cenſure, which the Conſtitution had wiſely lodged in Parliament. This practice during the American war, their Lordſhips would do him the juſtice to recollect, he had conſtantly reprobated. It was a practice that ought to be reſiſted, becauſe if it were ſuffered to prevail, it would confound the principles of the Conſtitution, and take away one of its wiſeſt and moſt beneficial proviſions. Noble Lords had obſerved, that ſome riſk would have been run if the officer holding the Great Seal had, of his own authority, affixed it to a commiſſion to hold the Parliament in the King's name. Some riſk undoubtedly would have been run, but great officers were created for the execution of great and important acts, and if they would run no riſk and no hazard, they had no buſineſs in great ſituations. He could not, however, ſee that any great riſk would have been run by any man holding the Great Seal, who, in the preſent critical ſituation of affairs, ſhould have aſſembled the Parliament, and brought together the collective wiſdom of the nation, eſpecially when it was conſidered what ſort of a Parliament the preſent was—not a Parliament packed for the occaſion, but a free Parliament—a Parliament that had been approved by the country, and had been long in exiſtence previous to the unfortunate calamity which every man lamented, but no man felt more ſincerely, more ſeriouſly, or more at heart than he did. The ſingle circumſtance of having called the Parliament together in the way that he had mentioned, would have cut up much unneceſſary debate; and ſure he was, that the two Houſes were fully equal to the acquitting of any Miniſter who had, in ſuch an emergency, put the Great Seal to a Commiſſion, conſtituting them a Parliament.

He ſpoke of the precedents that had been adduced, and were contained in the report on the table, in terms of reſpect, declaring that in his opinion it was impoſſible to have collected a line of precedents more applicable to the circumſtances in which they at preſent ſtood. In the courſe of the diſcuſſion it had, he obſerved, been aſſerted, that no precedent bore preciſely on the caſe in point, and that could be adduced, in which a Prince of Wales, of full age, was not appointed Regent. Let thoſe who confidently reſted on that aſſertion, be ſo good as to tell him, when, in a ſituation like the preſent, there had ever exiſted a Prince of Wales of full age? They all knew that no ſuch caſe had ever occurred. Much had been ſaid

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of Right, and it had, on the other hand, been ſtrenuouſly contended that the Prince of Wales had an inherent right to the Regency; on the other, that there was no right but in the two Houſes of Parliament. That the latter aſſertion was true, and the former untrue, he had the fulleſt authority for maintaining; an authority which, when he mentioned it, would convince every man who heard him, and put the matter beyond all queſtion. The authority to whom he referred, was one of the beſt conſtitutional writers that we had, it was Mr. Juſtice Foſter, who in his book on the Principles of the Conſtitution, denies the right even of hereditary ſucceſſion, and ſays it is no *Right* whatſoever, but merely a *political expedient*, calculated and contrived for the good of the governed, and with a view to preſerve their peace and happineſs, by preferring the chance of a variety of different men, to a variety of diſputed claims, that might on every demiſe of a Sovereign convulſe the empire, and throw all things into confuſion. The Crown, Mr. Juſtice Foſter ſaid, was not merely a deſcendible property, like a layſtall, or a pig's-ſtye, but was put in truſt for millions, and for the happineſs of ages yet unborn, which Parliament has it always in its power to mould, to ſhape, to alter, and to faſhion juſt as it ſhall think proper. And in ſpeaking of Parliament his Lordſhip ſaid, Mr. Juſtice Foſter repeatedly ſpoke of the two Houſes of Parliament only. Let their Lordſhips therefore conſider the danger of the doctrine, that there exiſted in the Prince of Wales a Right to exerciſe the Royal Authority during his Majeſty's incapacity, and that the two Houſes had no right to interfere, or to appoint whom they conſidered as the moſt proper perſon to be the Regent. A variety of caſes might be put, in which it might appear that the Heir-Apparent might be an improper perſon to be entruſted with the Regency. Suppoſe, for inſtance, the preſent Prince of Wales, inſtead of reſiding at Windſor, and ſetting an example of affection and tender regard for the Sovereign; inſtead of doing the honours of the country to foreigners, and raiſing the national character for poliſhed manners, as report ſaid he had done, throughout Europe, had been caballing away his time in the Capital, intriguing with the army and navy, cultivating his intereſt with foreign powers, endeavouring to rouſe the countries dependant on Great Britain, trying to render them ſubſervient to his intereſts, and raiſing money to carry on his ambitious projects,

and endeavouring by undue means like theſe, to enforce his claim, and maintain his Right. Would not every man in the kingdom wiſh that if ſuch had been the conduct of the Prince of Wales, that there was a power in the two Houſes of Parliament to ſtep in, prevent ſuch a character from being Regent, and appoint another. This proved inconteſtibly the propriety, he might ſay the neceſſity, of deciding the Right exiſting in the two Houſes of Parliament, and thoſe who alledged the danger of touching upon the Right, had themſelves made it to be abſolutely neceſſary, becauſe they all uniformly aſſerted, that there did exiſt a Right in the Prince of Wales, and yet every one of them had been afraid to argue it. At the ſame time he did not mean to ſay, that the Prince of Wales ought not to be the perſon named as the Regent; far from it, it was ſo much the general ſenſe of the whole nation that the Prince ſhould, that if any Member of either Houſe was to maintain that he ought not, they well knew, the man who ſhould be known to have been raſh enough to have made ſuch a declaration, when he went into the ſtreets, would be torn into twenty pieces. With regard to the intended limitations, whatever they ſhould be, *that* made the deciſion of the Queſtion of Right abſolutely neceſſary; becauſe it would, if avoided then, recur with double force, when the Queſtion of Limitations came to be agitated. Beſides, ſuppoſing that it ſhould happen, when the Queſtion of Limitations was debated, that it ſhould be the general opinion that the Prince of Wales ought to be ſole Regent, without any reſtriction whatſoever; in that caſe, it ſurely would be moſt deſirable to have the Queſtion of Right decided firſt. Where, he ſhould like to know, was the danger to ariſe from, that made either the diſcuſſion or the deciſion of that Queſtion miſchievous? Could any noble Lord, who profeſſed ſo much fear, leaſt the diſcuſſion ſhould take place in the Houſe, ſtate a ſingle ſymptom of the danger, or of the diſapprobation of the people ſhewn in any part of the country, on account of the very ample diſcuſſion the Queſtion of Right had undergone in the Houſe of Commons? Was the diſapprobation of the people occaſioned by the deciſion of the Houſe of Commons to be found in the City of London? Was it to be found among the Merchants of the City, who he ſaw had adverti ſed a meeting? Was it to be found in any City or great town throughout the Country? A noble Earl had talked of Ireland;

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had he found it in Ireland, or did he really think it would be found there? Had another noble Lord found it in Scotland? Where then could be the danger of diſcuſſing it in that Houſe? There could be none. He wiſhed it might be not only diſcuſſed, but decided, that the eyes of all mankind might be opened to the important fact that might reſult from the diſcuſſion and deciſion, viz. that the People *had moſt eſſential Rights of their own, but that Kings and Princes had no Rights whatever.* He wiſhed it might be decided for the benefit of foreign countries, that thoſe who ſuffered opreſſion under Governments the moſt deſpotic, might be taught their rights as men, and learn though their Rights were not like the Rights of Engliſhmen, ſecured by precedents and charters, yet that their Rights muſt be acknowledged as ſoon as ever they choſe to aſſert them. Since he had ſat in Parliament, his Lordſhip declared, he never had given a vote more ſincerely, with more heartfelt conviction, nor more conſcientiouſly, than he ſhould give his vote that night in favour of the three Reſolutions, by which he hoped for ever to ſet at reſt the claim of a Right to a Regency in any man, be that man who he might. He declared, he could not ſuppreſs his aſtoniſhment at hearing noble Lords talk of the diſcuſſion and deciſion of that Queſtion tending to *weaken* the Regent's Government; the very reverſe muſt be its effect; what could ſtrengthen a Government more, than previous to its taking place to have it declared on the full authority of both Houſes of Parliament, that the right of nominating a Regent reſted in the people, and that the Prince of Wales was choſen Regent, not from any claim of Right on his part to that diſtinction and that high office, but with the unanimous voice of a nation of freemen! Seen in this its true light, it was equally the intereſt of the Sovereign, and of the Prince of Wales, that the deciſion of the Queſtion of Right ſhould be firſt made in behalf of the People, and the Prince's Right ſtand ſolely on the favour and fondneſs of the People, who choſe him to rule over them. No Government could be ſo ſtrong, no acceſſion to power ſo glorious, as that originating in ſuch a principle! Far beyond any advantage that could be drawn from a dark claim unadmitted and unacknowledged, the Prince would have the benefit and the happineſs of being appointed the head of a free people, by their own unanimous conſent, and thence he would be aſſured

that they would ſupport him in his ſituation with their lives and fortunes, againſt every poſſible attack.

His Lordſhip ſaid he was glad to ſee noble Lords opinions had a little come round, and that the idea of the Conſtitutional importance of the Royal *Negative* delivered there, when Bills were preſented for the aſſent of the Crown, was not ſo unpopular, as it had been when he had endeavoured to maintain it ſome time ſince in that Houſe. He alſo ſaid, he had enquired of foreigners, what the Electorate of Hanover had done on the preſent occaſion, and he had received for anſwer, that neither in Hanover, nor throughout all Germany, had any inſtance of the kind occurred.

Lord Lough-borough.

Lord *Loughborough* roſe the moment the Marquis of Lanſdown ſat down, and maintained the doctrine of the Prince of Wales's having a Right ſuperior beyond all compariſon to the claim of any other man to the Regency, and that conſequently the aſſertion "that the Prince had no more right to the Regency than any other individual ſubject" was monſtrous and abſurd beyond all ſufferance. His Lordſhip began with ſaying, that after what had paſſed in that Houſe, and elſewhere, reſpecting opinions delivered by him on a former day, it could not be ſuppoſed that he could let the opportunity paſs by, without taking ſome notice of what he had alluded to. The noble Marquis, who had juſt ſat down, had, he ſaid, delivered many ſentiments in which he perfectly concurred; but as was frequently the caſe in debate, where different men were agreed upon the ſame premiſes, and yet drew very oppoſite concluſions from each other, ſo he differed in the application of the inferences, the ſame premiſes attended from the noble Marquis. He would ſtate at what point it was, that the opinions of the noble Marquis and his own diverged from each other. Having made an exordium to this effect, his Lordſhip declared, that he grounded his doctrine reſpecting the Right of hereditary ſucceſſion to the Throne, and, by analogy, the Right of hereditary ſucceſſion to the exerciſe of Executive Power, on Mr. Juſtice Foſter's Treatiſe on the Principles of the Conſtitution; and he was ready to admit, that a Right to hereditary ſucceſſion to the Throne was not an original veſted Right, that belonged in the firſt inſtance to one of a family, and was deſcendible to the heirs in like manner as deſcendible property of an ordinary deſcription, but that it was made hereditary for the general

general benefit of the community, and to guard againſt the danger and miſchief reſulting from the pretenſions of a variety of claimants on the one hand, and the known and aſcertained fatal conſequences of an elective Crown. With regard to the negative of the Crown in caſe of Bills preſented for the Royal Aſſent, he agreed alſo there with the noble Marquis, that the right of giving a negative in that caſe was an eſſential Prerogative, which might be exerciſed as an inſurmountable barrier between the Crown on the one part and the two Houſes of Parliament on the other, but then he muſt contend, that there could exiſt but one poſſible caſe, in which it could be maintained that a Prince of the Houſe of Brunſwick could be induced to exerciſe it, and that was, where the two Houſes of Parliament ſhould have meditated and carried into all the effect that they could of themſelves give it, an attack on the Rights of the Crown ſo repugnant to the ſenſe and feelings of the People at large, that the King's pronouncing his negative on ſuch a Bill, when tendered for the Royal Aſſent, ſhould be held to be a popular exertion of his Prerogative. His Lordſhip contended that the Reſolution of Right was purpoſely drawn to cover a latent and a concealed purpoſe, different from that which the words of it profeſſed to import; it was, he ſaid, neither more nor leſs than a declaration on the part of the two Houſes, that the Regent was an elective office, and that the two Houſes of Parliament were the electors. He argued very elaborately on this poſition, and denied that the precedents were in point, ſince the Parliament convened on the death of Henry the Fifth, was a complete Legiſlature, conſiſting of King, Lords, and Commons; whereas now, they were only the two Houſes, and had not conſidered themſelves as a Parliament, the Speaker of the Houſe of Commons having, though for his part he thought without occaſion, doubted whether he had authority to iſſue a writ, not one of the ſtanding orders having been enforced, and there not having been any Votes printed, and various of the other forms that belonged to a regular Seſſion of Parliament not having been complied with. He doubted whether Parliamentary Privilege exiſted at that moment. He ſaid, he did not mean Privilege of Peerage, becauſe, as their Lordſhips well knew, that always exiſted, but privilege as a Member of the other Houſe. He aſked the noble and learned Lord oppoſite to him, whether they

they could puniſh any man for a contempt, declaring that he was not clear, if a man committed for a Contempt was to ſue out his Writ of *Habeas Corpus*, and be brought before him as a Judge, to be admitted to bail, whether he ſhould or ſhould not admit him, or remand him to cuſtody? He believed, much as he reſpected their Lordſhips, and unwilling as he ſhould be to incur the diſpleaſure of the Houſe, he ſhould rather be ſwayed by fear of the man's bringing his action for damages, than by the danger of offending their Lordſhips and incurring the cenſure of the Houſe, whatever it might be. He owned, that if the Parliament had been opened by a Commiſſion under the Great Seal, as ſtated by the noble Marquis, one difficulty would have been ſolved, but not the difficulty on the preſent Queſtion, which muſt have recurred, whenever it came under diſcuſſion. He ſtrenuouſly recommended agreeing with the amendment moved by the noble Lord, as the readieſt way of leſſening their embarraſſment, obſerving that the Legiſlature, when compleat, would certainly poſſeſs a ſufficient ſhare of power to carry into effect any Parliamentary Proceeding which was neceſſary for its own exiſtence; and that any Bill of Limitations could be brought in and paſſed after the Regent was declared. His Lordſhip commented on the very ſlight grounds of difference of opinion that there was among them; ſome had aſſerted that the Prince of Wales had an inherent right to the Regency, others that he poſſeſſed an irreſiſtible claim, and others again that he poſſeſſed neither, but was nevertheleſs the only fit perſon to be declared Regent. Being therefore agreed in the main point, he contended that they ought to proceed to carry that into effect, and not to waſte more time about the mode of doing that, which it was on all hands agreed ought to be done forthwith. His Lordſhip argued on the little analogy that the precedent of Henry the Sixth, in the 32d and 33d year of his reign, bore to the preſent time, inſtancing the meſſage that had been ſent to the ſick King, at Windſor, and his having been brought into that Houſe a priſoner and wounded, after the battle of St. Albans, where he had been made captive by the Duke of York, and a variety of other circumſtances, founded on hiſtory, and different ſources of information. His Lordſhip concluded with repeating his concurrence with the motion of Amendment.

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Lord Chancellor

The Lord *Chancellor* left the Woolſack and objected to the Amendment, and combated the various arguments that had been advanced in ſupport of it, and againſt the ſecond and third Reſolutions. His Lordſhip began with taking notice of that part of Lord Loughborough's ſpeech, in which the noble and learned Lord had queſtioned the exiſtence of Parliamentary Privilege under the preſent circumſtances of the two Houſes aſſembling, and had ſtated his doubt in what manner he ſhould be inclined to act, were a man who had been committed for a breach of privilege, and had ſued out his writ of *Habeas Corpus*, to be brought before him to be admitted to bail; ſuch queſtions, the Lord Chancellor ſaid, were always diſagreeable, and at that time peculiarly unpleaſant. In his mind penalties and puniſhments of any kind ought not to be annexed to mere error of judgment in Magiſtrates; but he would venture to ſay, that if ſuch an inſtance were to occur to the noble and learned Lord himſelf, as a Judge, and he ſhould think it his duty to refuſe to admit the man to bail, and ſhould be of opinion that it belonged to the public that the man ought to remain in cuſtody, the noble and learned Lord would do his duty, and remand him, without the leaſt conſideration either of the 500l. penalty, or the other penal proviſions of the Statute. Having ſaid this, his Lordſhip proceeded to conſider the words of the Amendment that had been propoſed, and declared he was glad that the words of it had not been of the noble and learned Lord's ſupplying, becauſe he was ſure they were not only irreconcileable to the noble and learned Lord's arguments, but ſuch as conveyed no diſtinct or preciſe meaning whatever. Had thoſe, who propoſed the Amendment, been ſo good as to have explained what they meant, or accompanied the recital of the words of the Amendment with any thing like a reaſon to ſhew their propriety and application, the Houſe might poſſibly have known how to have treated them; as they ſtood at preſent they were mere *inſenſible* words, conveying no diſtinct import. The words purported to be a Reſolution of that Houſe, "That an humble Addreſs be "preſented to his Royal Highneſs the Prince of Wales, praying "his Royal Highneſs to take upon himſelf, as Sole Regent, the "adminiſtration of Executive Government, &c." He begged to know what the term *Regent* meant? Where was he to find it defined? In what law-book, or what ſtatute? He had heard of

Cuſtodes

Cuſtodes Regni, of Lieutenants for the King, of Guardians and Protectors, and of Lords Juſtices; but he knew not where to look for an explanation of the office and functions of a Regent. To what end then would it be to addreſs the Prince of Wales to take upon himſelf an office, the boundaries of which were neither known nor aſcertained? But the Amendment attempted ſomething which probably was intended as a ſort of definition of the term Regent, and of the nature of a Regent's office, by adding that what the Prince was to be prayed to take upon himſelf, *as Sole Regent*, was the adminiſtration of executive Government; there again, however, the expreſſion was dark and equivocal. What was meant by the *Executive Government?* Did it mean the whole Royal Authority? Did it mean the power of legiſlation? Did it mean all the Sovereign's functions, without reſtriction or limitation of any kind whatſoever? If it did, it ought to have ſaid ſo in expreſs words; and if it had, would any noble Lord have contended that ſuch a broad degree of authority as amounted to the actual dethroning of his Majeſty, and wreſting the ſceptre out of his hand, ought to be voted by that Houſe? He begged their Lordſhips conſtantly to recollect, that in the contemplation of law, the political character of a King of Great Britain was always whole and entire, and he deſired them at the ſame time to keep in mind that the King's natural character was inſeparable from his political character. It was, as Sir Matthew Hale, who had been mentioned in the courſe of the debate, had well obſerved, owing to this having been ſomewhat loſt ſight of, that ſo many miſchiefs had enſued to this country. A King, though a minor, as had been well ſtated by a noble Marquis, was always, and in all circumſtances, conſidered as competent to exerciſe the Royal Authority, though, from the frailty of human nature, he might not be adequate to perform the duty of executive Government, whence it became neceſſary to provide for ſupplying that defect. His Lordſhip adverted to the precedent in the early part of the reign of Henry the Sixth, and went through the particulars of the Biſhop of Durham, then Chancellor, going to the infant King, when a child of nine months old in his cradle, and delivering up the Great Seal, which was immediately put into the hands of the Maſter of the Rolls, who went into another room and put the Great Seal to a commiſſion, empowering

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the Duke of Gloucester to call a Parliament together, and to a variety of other commissions, it being then the custom for all commissions to cease on the demise of the Sovereign, so that if the step that had been taken by the great men of that day had not been adopted, there would not have been a Magistrate in the kingdom who could have acted. He stated the proceedings of the Parliament assembled by virtue of the writs then issued, which had been sent, the writs for representatives of counties down to the Sheriffs, and those for boroughs to the last returning officers. The very first Bill passed by that Parliament was a Bill of Indemnity to those who had made use of the Great Seal as he had described. He reasoned upon this fact, and maintained the close analogy that the precedent bore to our present situation. He justified the taking the advice of the two Houses of Parliament on the present occasion, as the best mode of proceeding. Of old, when the number of Privy Counsellors was not so great as at present, and when it was not customary for his Majesty to have those persons Members of his Privy Council who he never chose to meet, in a dilemma like the present, the measures to be adopted for the public safety might originate there; and others there were who thought his Majesty's Cabinet Council the proper place: he differed in respect to both. He had heard indeed of some Antiquaries who were of opinion that, upon such emergencies, a middle Council between the two, composed of the Judges and the King's Ministers, ought to be formed; but the best Council of all, in his judgment, was the Grand Council of the Nation; and he begged their Lordships to recollect that Ministers had risked something in suffering the two Houses of Parliament to assemble on the expiration of the proclamation of prorogation, and without giving four days notice to any individual Member of either House. It was now said, when the Rights of the two Houses to supply the defect in the exercise of the Royal Authority were discussed and decided, and they were called upon to concur with the House of Commons in resolving the means that were to be resorted to for that purpose, that the two Houses were about to exercise the powers of Executive Government, and to do an act of legislation. Had Ministers of themselves put the Great Seal to a commission for calling the two Houses together, and opened Parliament in that way, he was persuaded that the charge of their being about to take upon themselves the Executive Government

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ment would have been thundered in their ears ten times more loudly. He ſaid he would tell that Houſe what had been his opinion when the unfortunate calamity, that had put them under the preſent circumſtances of difficulty, was firſt known. It was to reſort to the grand Council of the Nation, and to call upon them in the face of the public to act upon their own wiſdom and authority. With regard to the argument that political neceſſity ought not to be the ground of a proceeding of an extraordinary nature, becauſe it was not ſo well known as moral neceſſity, the very reverſe was the fact; political neceſſity being much better known than any other neceſſity, having been repeatedly made the ground of the moſt important proceedings to be found in their hiſtory: but it was ſaid, if, upon the principle of political neceſſity, they could in any one inſtance aſſume the executive authority and legiſlate, they might carry that unconſtitutional practice much further; ſo far, indeed, that there was no knowing to what extent the doctrine might be carried.

This his Lordſhip conſidered as idle and abſurd, ſince the neceſſity that preſſed went to one point only, and no further, viz. to the paſſing a Bill to enable them to appoint a perſon Regent, and at the ſame time to define what was meant by ſuch appointment, and under what ſpecific limitations the Regency was carried on. That the unanimous voice of the public pointed to one perſon only, and that the Prince of Wales, was, he admitted, a circumſtance highly fortunate for the county. No man had a higher reſpect for the Prince than he had; he wiſhed him as well as thoſe who affected to be more mindful of his intereſts; but he would not for that reaſon argue that he poſſeſſed any inherent right to the Regency, or that the Prince of Wales, as Heir-Apparent could poſſeſs any ſuch right. The Prince had a better intereſt in the Crown than he could have in the Regency, and it was all their duties to take care to preſerve the Crown ſafe on the head of the Sovereign, in order when in a due courſe of nature it ſhould deſcend to the Prince of Wales, he might receive it ſolid and entire, as it had been worn by his Majeſty previous to his preſent infirmity. The joint intereſts of the King upon the Throne, and the Heir-Apparent who was to ſucceed to it, were, what they were bound to watch over and preſerve. His Lordſhip took notice of the precedent of Edward the Second, who had fled towards Ireland, and was taken ſomewhere near Beaumaris,

maris, and when in cuſtody as a priſoner, was ſent to by Mortimer and the Queen, who beſought his Majeſty to let them have the Great Seal to uſe it *ad conſervandum pacem regni et ad exhibendum juſtitiæ*, but when they got it, they had influence enough over the impriſoned King, to make him on his own part declare that he delivered it not merely *ad conſervandum pacem regni, et ad exhibendum juſtitiæ*, but *pro gratia*, and it was uſed, his Lordſhip ſaid, *pro gratia* with a witneſs, for the Queen and Mortimer put the Great Seal to writs, by the authority of which they ſold half the demeſne lands of the Crown. His Lordſhip ſpoke of the high qualities of the Prince of Wales in terms of great praiſe; but he ſaid, there might be Heirs-Apparent, whoſe lives might have afforded the two Houſes ſufficient reaſon for ſetting them aſide from the Regency; he maintained, therefore, that it was expedient that the two Houſes ſhould not abandon ſuch a power, nor under the circumſtances of the caſe avoid avowing it to be their right. He obſerved, that thoſe noble Lords, who had talked of the Right of the Prince of Wales to the Regency, had not ventured to argue it, but had ſaid, as all men were agreed that the Prince of Wales, whether he had any Right or not, ought to be the perſon appointed Regent, the wiſeſt way would be for that Houſe to addreſs him immediately to take upon him, as ſole Regent, the adminiſtration of the Executive Government. He ſhewed, that were ſuch advice fit to be followed, that even the two Houſes would be under the neceſſity of legiſlating for themſelves; and yet the very perſons who gave ſuch advice, upon arguing the third propoſition, ſaid, if they attempted to legiſlate in a ſingle inſtance of unavoidable and preſſing exigency, the ſtatute of the 13th Charles II. was directly in their teeth. He agreed with the Marquis of Lanſdowne as to the conſtitutional importance of the Crown's having the power of a *negative* when Bills were tendered for the Royal Aſſent, declaring, that he not only concurred entirely with the noble Marquis on that point, and had thought himſelf indebted to him for the pains he had taken on a former occaſion to point out the utility of ſuch a power being lodged in the Crown, but was ſatisfied in his own mind, that ſo far from that being a power which no Prince of the Houſe of Brunſwick was likely to exerciſe, a day would occur ſooner or later, in which the ſalvation of the Conſtitution and the Country might depend on the Royal

exerciſe

exerciſe of that truly important prerogative. His Lordſhip made uſe of a great many other pertinent and cogent arguments, to prove that the intereſts of the Prince of Wales would be beſt ſerved, by agreeing to the Reſolutions, and proceeding to ground a Bill upon them, in which the degree of authority, and the nature of the functions to be veſted in the perſon who was to ſtand between the Crown, and the two Houſes of Parliament, ſhould be preciſely marked and aſcertained, as well as the extent of the limitations which the exigency of the caſe might require, and that ſome conditions ought to be annexed to the tender of the office, no thinking man, he was perſuaded, would deny.

Lord Rawdon.

Lord *Rawdon* defended the words of his Motion from the imputations caſt on them by the Lord Chancellor, and juſtified them on the ground of propriety and appoſiteneſs.

At half paſt Twelve the Houſe divided on the Queſtion, That the words of the Reſolution as originally moved, ſtand part of the the Queſtion,

Ayes 99. *Noes* 66.

The ſecond Reſolution was then read, and the previous Queſtion being moved, it was determined in the *Negative;* the Queſtion was then put upon the ſecond Reſolution, and it was *Affirmed.*

The third Reſolution was next read, and being objected to, the Queſtion was put, when the Queſtion was *Affirmed.*

The Report of the Reſolutions was made to the Houſe by Lord Onſlow, and the ſame was ordered to be taken into farther conſideration on Monday, to which day the Houſe adjourned.

Friday, January 2, 1789.

The Lord Chancellor and Lord Sydney having underſtood, from undoubted authority, before the Houſe went to prayers, that the indiſpoſition of the Speaker would moſt certainly prevent him from attending his duty next day, it was therefore to adjourn till Monday next.

As ſoon therefore as the Lord Chancellor had taken the Woolſack, and Lord Sydney had moved the Queſtion of Adjournment,

The

The Duke of *Norfolk* came forward, and ſaid, he had been informed that the Speaker's indiſpoſition was ſuch, that it would be as much impoſſible for him to attend on Monday next as on that day, he therefore begged to be informed by any of his Majeſty's ſervants whether it was meant, in the preſent ſituation of public affairs, to bring forward the Bill in that Houſe, which had not the illneſs of the Speaker prevented, was to have originated in the other Houſe. Duke of Norfolk.

Lord *Sydney* ſaid the noble Duke had rather ſurprized him in what he had aſſerted reſpecting the Speaker's illneſs, who ſo far from not being able to attend the Houſe on Monday next, he had learnt, ſince he came down to the Houſe, was much better than he had been the day before; as to what the noble Duke had ſaid reſpecting the other buſineſs, it was not in his power at that preſent time to give an anſwer. Lord Sydney.

The Lord *Chancellor* ſaid a few words, and the Duke of Norfolk was going to reply; when the Lord Chancellor obſerved he would, with his Grace's leave, put the Queſtion of Adjournment, and afterwards be happy in having a conference with the noble Duke. Lord Chancellor.

The Queſtion was then put, and the Houſe adjourned.

Tueſday, Jan. 21.

Soon after prayers were over, and the Lord Chancellor had taken the Woolſack, a meſſage was brought from the Houſe of Commons by Mr. Willberforce, deſiring a conference with their Lordſhips.

He then withdrew, and ſome ſhort time after the Gentleman Uſher of the Black Rod acquainted the Houſe, that the Managers for the Commons were attending without.

The Managers for the Lords were then named, viz. the Lord Preſident of the Council, Lord Privy Seal, Duke of Chandos, Biſhop of Saliſbury, Biſhop of St. David's, Marquis of Carmarthen, Lord Sydney, Lord Hawſkebury, &c. they then went into the Painted Chamber, and were met by the Managers for the Commons, viz. the Chancellor of the Exchequer, Maſter of the Rolls, William

Willberforce, Eſq. Sir George Shuckburgh, Hon. Henry Hobart, Hon. D. Ryder, J. P. Hungerford, Eſq. Hon. James Murray, Sir W. Dolben, Matthew Brickdale, Eſq. Edward Bearcroft, Eſq. Henry Addington, Eſq.

As ſoon as they were ſeated, Mr. Willberforce addreſſed himſelf to the Lord Preſident, and ſaid, the Commons had come to ſeveral Reſolutions, to which they deſired the concurrence of their Lordſhips.

The Managers on each ſide then withdrew, and as ſoon as the Lord Preſident and the other Lords returned to their places in the Houſe, the Lord Preſident acquainted their Lordſhips that he had received from the Managers for the Commons ſeveral Reſolutions, which he deſired might be read by the Clerk, and the ſame having been read, his Lordſhip then moved, "That this Houſe do on "Thurſday next reſolve itſelf into a Committee on the preſent "State of the Nation."

Lord Rawdon. Lord *Rawdon* ſaid he could ſee no poſſible reaſon for the delay of a day, and wiſhed to put the queſtion to the noble and learned Lord, why it could not be brought on the next day?

Lord Preſident. The Lord *Preſident* declared it was for the ſake of decency and propriety that he had propoſed to bring on the buſineſs on Thurſday; he conceived it neceſſary that one day ſhould be allowed to give noble Lords an opportunity of looking into the Reſolutions, of deliberating upon them, and of forming a ſober and ſerious opinion, before they came to give their final vote on the ſubject. In his opinion it was highly proper that a day ſhould be allowed, and if any noble Lord had propoſed even an additional day for the purpoſe, he knew of no good argument that could be offered againſt it.

Lord Rawdon. Lord *Rawdon* ſaid, the noble and learned Lord's argument would have had its full weight had the matter contained in the Reſolutions been novel to their Lordſhips; it was however not novel, the ſubject had been amply talked over by their Lordſhips; the argument of the noble Lord's conſequently fell to the ground, and he could ſee no reaſon whatever for the delay. He did not however mean to oppoſe the Motion.

Lord Chancellor The Lord *Chancellor* wiſhed the noble Lord (Rawdon) would propoſe an Amendment, for that he would not. He wiſhed his Lordſhip would explain what he meant by ſaying the ſubject had been

been amply talked over, and not leave the preſent converſation to be taken advantage of on a future day, on a ſuppoſition that the ſubject having been amply talked over needed no further diſcuſſion.

Lord *Rawdon* wiſhed the learned Lord on the Woolſack had roſe with that coolneſs of temper and candour of judgment, when he called for an explanation, which the occaſion demanded. His Lordſhip ſaid he ſtill continued to conceive that no delay was neceſſary; he conceived ſo on the ground of their Lordſhips being fully acquainted with the ſubject of the Reſolutions; the matter was not novel, it had amply been talked over; but in ſo ſaying, he did not mean to take any advantage, and to preclude further diſcuſſion; he ſincerely hoped it might again be amply talked over, and diſcuſſed in every point, not ſo much to enable noble Lords to form their opinions, which in a great meaſure muſt be already formed, but for the information of the public, who ought to be fully acquainted with every particular of ſo important and momentous a buſineſs. Lord Rawdon.

The Queſtion was then put and agreed to; the Reſolutions ordered to the ſaid Committee, and the Lords to be ſummoned.

Thurſday, January 22.

As ſoon as prayers were over, and the Lord Chancellor was ſeated on the Woolſack, the Earl of Pomfret took the oaths and his ſeat.

The Archbiſhop of *Canterbury* moved, That the Lord Biſhop of Lincoln be deſired to preach in the Abbey Church, Weſtminſter, on the 30th of January.

The Houſe then adjourned during pleaſure, and being reſumed, the Order of the Day for the Houſe to reſolve itſelf into a Committee was read, and the Queſtion being put and agreed to,

The Lord *Chancellor* left the Woolſack, and Lord Walſingham went to the Table as Chairman of the Committee. The firſt Reſolution being read by the Clerk,

The Lord *Preſident* (Lord Camden) roſe and addreſſed their Lordſhips in a ſpeech of conſiderable length. His Lordſhip retraced Lord Preſident.

the progreſs of the buſineſs and the caution that had been exerciſed; the two Houſes neither manifeſting precipitation on the one hand, nor unneceſſary delay on the other. He lamented that ſo heavy and important a taſk ſhould have devolved on Miniſters, and that he was choſen to open the buſineſs to their Lordſhips. He explained that their having undertaken it was an unavoidable act of duty, and reluctantly as he owned he ſtood up to addreſs their Lordſhips, feeling from his advanced period of life every day ſtronger and ſtronger reaſons to wiſh to retire from the hurry and buſtle of buſineſs, he had the more willingly conſented to ſtate the Reſolutions brought up from the Houſe of Commons, and explain their principles, as he truſted it would be the laſt act of his official political life. His Lordſhip then ſhortly noticed the melancholy circumſtance of his Majeſty's incapacity, and the undoubted right which had been decided on, as reſting with the two Houſes of Parliament to ſupply the deficiency, by appointing whom they thought proper, and with what power they thought proper, to the exerciſe of the preſent dormant and ſuſpended power of the executive branch of the Legiſlature. His Lordſhip ſummarily recapitulated all that had paſſed in the previous debates on the Queſtion of Right, declaring that the queſtion had been ſtarted irregularly, and all of a ſudden, but that it had as ſuddenly diſappeared. Where the Claim of Right was now to be found he knew not. Certain it was, that it was not to be traced in the Proteſt on their Lordſhips Journals. That queſtion being over, it remained for him to proceed to ſtate what had paſſed ſince. A further examination of his Majeſty's Phyſicians had taken place, which he did not mean to quarrel with, or find fault with the principle on which it originated, but it had certainly occupied a great deal of time. From that examination his Majeſty's illneſs appeared to be neither fatal nor incurable; on the contrary, it was agreed by all the Phyſicians that his probability of cure was as great as ever, and in all likelihood the malady would continue but for a ſhort time. It was impoſſible to aſcertain the probable duration of his Majeſty's illneſs; it might continue a year, or a year and a half, and it might extend as long as two years. If it ſhould continue longer, it had been declared that in all probability the hopes of recovery would be conſiderably leſſened; they were therefore to provide the temporary means of ſupplying the defect in the exerciſe of the

Royal

Royal Authority, by providing for the deficiency and for the ſafety of his Majeſty on his Throne. The Reſolutions that were to be offered to their Lordſhips, the Earl ſaid, were calculated for two purpoſes; they would provide fully for the exerciſe of the executive power with vigour and effect, as well as for the ſafety and reſpect that was juſtly due to the Sovereign. His Lordſhip ſaid he would not trouble the Committee on that part of the Reſolutions which gave the care of the King's perſon to her Majeſty, not conceiving that any noble Lord would make the leaſt objection to ſuch a meaſure; elſewhere, indeed, reports of the impropriety of ſuch a truſt had circulated, and reflections had been thrown on that Great Perſonage, but as he was convinced every noble Lord would feel with him that thoſe reflections were illiberal, indecent, and unnatural, he would ſay nothing further on the ſubject. The only Reſolutions that he expected to be objected to, were, the one for limiting his Royal Highneſs in the exerciſe of the prerogative of creating Peers, and that of the continuance of Houſhold offices under the direction of her Majeſty. His Lordſhip entered into an ample diſcuſſion of the propriety of theſe Reſolutions, ſtating the dangers of entruſting the power of creating Peers to any but the Sovereign, who having a life-intereſt in his government, was the leaſt likely to injure it by beſtowing with too laviſh a hand the honours of the Peerage: no danger, he ſaid, could ariſe from the ſuſpenſion, for a ſhort time, of that power, as no merit need be damped, ſince during the Regency, if any one was ſo diſtinguiſhed by his merits in any department, as to be a worthy object of ſuch honour, he could be made a Peer by an Act of Parliament, ſigned by the Regent, as Sir John Cornwall was created in the reign of Henry the Sixth. His Lordſhip reaſoned much at large on the neceſſity of confining the power of creating Peers to the Crown, ſo long as there was a proſpect of his Majeſty's recovery; obſerving that a certain *quota* of Peers to be created fell to the ſhare and within the compaſs of each reign, and that a prudent Prince would neither diſtribute with a laviſh nor with a niggardly hand, but ſteering between the two extremes, would preſerve the happy medium. His Lordſhip pleaſantly ſaid, that reſtraining the new Government from making Peers, was, in effect, doing them ſervice, and *keeping them out of the way of temptation.*

In the courſe of his argument on the neceſſity of keeping the right of creating Peers ſacred to the Royal Perſon, his Lordſhip appealed to the Houſe, whether in the ordinary caſes that occurred in the courſe of law they did not all know, that a tenant for life had no power to cut down timber, whereas a tenant in tail was in law allowed its free exerciſe. After arguing ſhortly on the propriety of the Houſehold compleatly reſting in the management of her Majeſty, to enable her to diſcharge the duties of her truſt; he ſaid, the only argument that was likely to be urged againſt it was, that it would create an improper influence, and that the new Government would be unable to proceed in public buſineſs, without having the patronage of thoſe offices, the Lords of the Bedchamber, &c. His Lordſhip talked of petticoat influence, and ſaid, the argument that the patronage to the Houſehold offices was abſolutely neceſſary to the Regent's Government, was truly abſurd and ridiculous, for would any noble Lord ſeriouſly contend that without ſuch an inſignificant number of votes as the Lords of the Bedchambers votes amounted to, an Adminiſtration could not proceed in public buſineſs? Would they ſay that the prtronage of the Navy, of the Army, of the Church, of the Law, of the Cuſtoms and of the Exciſe, of the Eaſt and Weſt Indies, and other conſiderable patronage that would be annexed to the Regency, would not be ſufficient to enable a new Adminiſtration to carry on the Government, unleſs they alſo had the addition of a dozen more votes? If their Adminiſtration was conducted on good and beneficial principles to the country, no ſuch vote would be neceſſary; but if on the contrary, they purſued prejudicial and bad meaſures, not their votes, nor ten times the number, would protect them from the voice and influence of the people.

He deprecated any change in the management of any part of the Houſehold, not only as highly diſreſpectful to his Majeſty, but dangerous; ſince, if thoſe whom his Majeſty had appointed as the heads of different departments in his Houſehold ſhould be removed, to make room for others whoſe faces he had never ſeen, nor ever wiſhed to ſee, it might be the means of an attempt to invade the Royal chamber, of indirectly taking poſſeſſion of his Majeſty's perſon, and they might ſtrip his palace of every thing valuable, and every thing he held dear. Another argument, he obſerved, had been

been uſed againſt entruſting the patronage of thoſe offices in the Houſehold with her Majeſty, fearing it would be exerciſed in favour of a malignant and factious oppoſition. This, he ſaid, was not likely; for no one would believe that the great and amiable Perſonage appointed to have the care of the King's perſon, would permit the uſe of her power to be exerciſed againſt the good government of her ſon. It was alſo unlikely from another reaſon, the improbability of thoſe with whom he acted, entering into an oppoſition to the intereſts of that country they had exerted their abilities to ſupport; they would not degrade themſelves by forming an unprincipled or a factious oppoſition; they had not, while in office, done any act to forfeit their popularity; they had in all their meaſures had the good fortune to be ſupported by the voice of the people; they had exerted themſelves ſucceſsfully for their intereſts; they had been crowned with their plaudits, and in the laſt act were they exerting themſelves for the rights of the people, they could not quit the public ſervice therefore at a more fortunate moment. It was then very improbable, that after having been ſo long in poſſeſſion of popularity, they would deſtroy it by entering into a malignant oppoſition, and ſhewing that they acted upon other motives than thoſe of the public good. His Lordſhip, after obſerving that his Majeſty's Miniſters now had no power, but that Oppoſition had all the power that at preſent exiſted, and after a few more obſervations upon the propriety of the Reſtrictions, concluded by moving that the Reſolution be read, which being read accordingly, the firſt Reſolution was put.

" That it is the opinion of this Committee, to agree with the Re-
" ſolution, That for the purpoſe of providing for the exerciſe of the
" King's Royal Authority during the continuance of his Majeſty's
" illneſs in ſuch a manner, and to ſuch extent, as the preſent cir-
" cumſtances of the urgent concerns of the Nation appear to re-
" quire; it is expedient that his Royal Highneſs the Prince of
" Wales, being reſident within the realm, ſhall be empowered to
" exerciſe and adminiſter the Royal Authority according to the
" laws and conſtitution of Great Britain, in the name and on the
" behalf of his Majeſty, under the ſtyle and title of REGENT of
" the kingdom, and to uſe, execute, and perform in the name,
" and on the behalf of his Majeſty, all authorities, prerogatives,

" acts of Government, and administration of the same, which be-
" long to the King of this Realm, to use, execute, and perform
" according to the law thereof, subject to such limitations and
" exceptions as shall be provided."

Lord Fauconberg.

Lord *Fauconberg* rose to express his indignation at words that had fallen from the noble and learned Lord, who he understood to have said, that the votes of the Lords of the Bedchamber were insignificant, and unworthy of consideration. Good God! he said, was he to hear in that House, that because he was a Lord of the Bedchamber, his vote was not worthy of consideration? He trusted his vote was as good and as worthy of respect, as any noble Lord's in that House. His Lordship declared, he had been appointed a Lord of the Bedchamber ten years ago; that the late Lord Ashburnham wrote to him, unsolicited on his part, intimating the honour to which he had been appointed,; that when he saw Lord Ashburnham, the noble Lord did not take him into a corner and say, " You are expected to vote so and so." If the noble Earl had treated him in that manner, he hoped their Lordships would give him credit, when he declared, he would instantly have spurned at the proffered honour. His Lordship declared, he felt what had been that day said, as a disgrace to the heir of a noble family, some of whom had bled in the service of their country. It was true, he had given his support to the present Administration, but he had given it from principle and honour, and in no other manner would he ever give his vote. He repeated, that the honour done him by appointing him one of his Majesty's Lords of the Bedchamber was not for the purpose of securing his vote; had any such condition been proposed, or had he ever conceived that it had been expected, he should, in consequence of that office, be under the necessity of supporting every Administration, be it what they might, he assured their Lordships, upon his honour, that he would never have accepted the office, but would have rejected it with the disdain so unworthy a proposal would justly merit; he therefore trusted his vote was of as much importance as that of any other noble Lord.

Lord President.

The Lord *President* was extremely concerned that the noble Lord should have taken offence at any thing that had fallen from him; he meant no disrespect to the noble Lord; he knew his Lordship pos-

sessed

ſeſſed too much honour, for a moment to be influenced in his vote by the office he held; and he had no ſcruple to avow, that he believed the ſame of the noble Earl's colleagues: he did not ſay that his or their Lordſhips votes were ſignificant, or of no conſequence; but he had, in ſtating the argument that was uſed elſewhere againſt her Majeſty's having the diſpoſal of thoſe offices, ſaid, that not their votes individually were inſignificant or of no conſequence, but that the difference in number, of twelve or fourteen votes, was inſignificant to carry on a Government.

Lord *Winchelſea* conceived the noble and learned Lord to have ſpoken, as he had explained himſelf, and that no reflection or diſhonour whatever was meant to be thrown on the Lords of his Majeſty's Bedchamber. All the reflections that had been ſuggeſted againſt the Lords of his Majeſty's Bedchamber in any place, he aſcribed to party motives, and as too contemptible to merit the ſmalleſt notice. Lord Winchelſea.

The Biſhop of *Llandaff* began with complimenting the noble Lord, who had ſo juſtly taken offence at an apparent attack on the Lords of his Majeſty's Bed-chamber. He profeſſed he had been ſhocked at hearing it ſaid, that the Lords of the Bed-chamber, the Scotch Peers, and the Bench of Biſhops were ſo pliable, that they were ready to vote with any Adminiſtration. Such reports he believed to be as generally falſe, as he knew them to be in the latter inſtance particularly ſo. He wiſhed not to impute diſhonourable motives to any man, but rejoiced in the opportunity he was then exerciſing of delivering his ſentiments plainly and explicitly in the face of their Lordſhips and of the Public? The Biſhop then proceeded to ſtate his arguments at large, and we lament that the late hour at which the Houſe roſe, will not for the preſent allow us to follow him with that degree of care and attention due to ſo excellent a compoſition. His Lordſhip ſaid the ſubject under their conſideration was confeſſedly of the greateſt importance; and when he ſpoke upon any philoſophical or political queſtions, he wiſhed rather to expreſs diffidence than to dogmatize. He declared, that their proceedings in appointing a Regent, had not appeared to him to have been regular or conſtitutional. The only proper way, he conceived of filling up the third branch of the Legiſlature, was not by cloathing his Royal Highneſs the Prince of Wales with the whole of the regal Biſhop of Llandaff.

power

power in the firſt inſtance, but by giving him the legiſlative power, and having compleated the Legiſlature, by proceeding to paſs a Bill, to nominate a Regent, under what Reſtrictions the Legiſlature thought proper. This, his Lordſhip conceived to be the method Parliament ought to have followed, in appointing a Regent. He would beg leave to ſtate a propoſition, in which he hoped all their Lordſhips would concur: the propoſition was, that as the power to the King was originally delegated from the people, when the King was unable to exerciſe this power it returned back to the people again; ſo that they had it in their own hands, and might give it to any perſon they pleaſed. Upon ſuch a general principle as this, the determination of the Houſe of Commons, that the Prince of Wales had no better right to the Regency than any other perſon, might be juſtified. But he begged leave to ſay, that the principle contained in this general reaſoning was not true, when applied to our Government, becauſe the law had ſpoken on the ſubject, and expreſsly ſaid, when the King dies, his power does not revert back to the people, but goes to the next Heir, who has a right to ſucceed to it. Although a great deal had been ſaid about the word "Right" in theſe proceedings, yet his Lordſhip ſaid he did not recollect that any noble Lord had given a definition of it. He ſaid he ſhould mention that of Grotius, who defined "a Right" to be the *morally poſſeſſing a thing in conformity to law.* There was another definition of this word, by an author of no leſs authority than that of Grotius, which was, that "a Right" was the *morally poſſeſſing a thing conſiſtently with law.* His Lordſhip ſaid, he ſhould be glad to hear of any law that was inconſiſtent with the Prince of Wales being Regent, or that would be violated by ſuch an appointment. A kingdom might be compared to a private property, though he by no means intended to inſinuate, that a King might uſe his kingdom in the ſame manner, or to the ſame purpoſes, as a private individual could uſe his private eſtate; yet they would bear compariſon in this reſpect, if a man was incapacitated from ſickneſs, or otherwiſe, for the management of his eſtate, who was ſo proper as his eldeſt ſon to be entruſted with it, who was one day to ſucceed to the whole fortune? In like manner, in the preſent calamitous ſituation of his Majeſty, who, with ſo much propriety, could ſupply the defect of the Royal Authority as the Prince of Wales, who in the natural

courſe

courſe of events, would ſucceed to the throne of theſe kingdoms? As they meant to entruſt his Royal Highneſs with all the regal power, except what was mentioned in the Reſtrictions, he could conceive no reaſon whatever, why he ſhould not be entruſted with the whole of the Royal Authority. When he conſidered the public character of thoſe who propoſed this plan, he could not doubt but they had proper grounds for their conduct; he ſtill, however, was under the neceſſity of ſaying, that he could not perceive what thoſe grounds were. His Lordſhip obſerved, that it had been ſtated that the whole of the caſe was to be found in the precedents. He had referred to them, and he did not find the precedent ſo much relied on, that of Henry VI. bore out the argument that had been grounded on it. Henry VI. was only a few months old, and was born and reigned in dark and barbarous times; whereas George III. had long reigned over a free and happy people, in an enlightened age. In the reign of Henry VI. the principles of the Conſtitution were but little underſtood; in that of George the Third the principles of the Conſtitution were clearly marked out and aſcertained, and well known to all ranks of men in this country. Much had been reſted on the argument that there was no diſtinction between an Heir-Apparent and an Heir Preſumptive. He ſaw a wide diſtinction. His preſent Majeſty was a man of middle age; the Heir-Apparent was a man of ſeven and twenty. Henry VI. was a child nine months old; his uncle, the Heir Preſumptive, conſiderably advanced in years. He ſaid he would but lay down this one *poſtulatum*, which could not be denied, that theſe four perſons would live the ordinary period of human life: this was a reaſonable ſuppoſition. It would therefore follow, that the uncle of Henry VI. could never ſucceed; whereas the preſent Prince of Wales muſt ſucceed to the Throne, and therefore the two caſes were unlike. He grounded a logical deduction on this ſyllogiſm. As the power of the Regent was in itſelf weak and precarious, ſo the whole of the regal power was more neceſſary to him than even to a King. It was undoubtedly neceſſary in all its extent to a King, or if it was not, he held and exerciſed ſome degree of power that was miſchievous. But this the King neither did, nor was permitted to do by the Conſtitution. The Government of this country was a limited Monarchy, and the King did not act *injuriæ licentiæ*, like the deſpots on the continent, who ſet no limits

limits to their authority, and often exerciſed it for the moſt cruel and oppreſſive purpoſes. He contended in particular, that the power of creating Peers ought not to be taken from the Prince in order to lie dormant.

With reſpect to his Majeſty's Houſehold, he conceived the greateſt part of it to be uſeleſs. Our feelings, however, frequently got the better of our ſober judgment, and this, he ſaid, was the caſe at preſent; for, although it was his opinion that the eſtabliſhment was in a great meaſure uſeleſs, yet he owned he ſhould not at preſent like to ſee the office annihilated; and that their unhappy Sovereign, upon his recovery, might have reaſon to complain that they had taken advantage of the hour of his diſtreſs to ſtrip him of his domeſtics. This he could not approve of, loaded even as the nation was with taxes. But he ſaw no end to theſe limitations; for upon the ſame principle that they were made, they might make others, and even annihilate the whole regal power. That his Majeſty's Houſehold was neceſſary to a King he entertained not a ſhadow of doubt; for ſubordination was abſolutely neceſſary to the peace and happineſs of every community; and thoſe external enſigns of royalty, which all ranks were capable of perceiving, and were deeply impreſſed by, were of no ſmall importance for attaining this deſireable end. If this power was neceſſary to a King, then ought it not to be transferred to a Regent? The preſent ſubject was not a party queſtion. If it were he would ſay, *non agitur de publico commodo, ſed utrum Cæſar aut Pompeius poſſideat rempublican; dic ergo, Cato, quid tibi refert iſta contentio?* It was not whether this man nor that man ſhould be Miniſter, but what was moſt conducive to the public good, and agreeable to the Conſtitution. If it ſhould be ſaid, certain powers were withheld from the Prince becauſe it would have been unſafe to have entruſted them with him, this was at once confeſſing that he was unfit for the office. But if he was to be truſted with thoſe powers that were now intended to be committed to him, he ſaw no reaſon why he ſhould not be entruſted with the whole of the regal power. A venerable common lawyer had deſcribed two bodies as conſtituting the perſon of a King, a natural body, that was ſubject to paſſions, and a political body that was free from paſſion, and immortal. The natural demiſe of the King by death was the ſeparation of theſe two bodies from each other; and he contended

from

from analogy, that, on the preſent occaſion, although the political capacity of the King remained entire, his natural capacity was gone, and that there was a temporary political demiſe. But although the Prince had no ſtrict right to ſucceed to the regal power during the incapacity of his father, becauſe there was no law that expreſsly ſaid ſo; yet from analogy he had ſuch a claim as he could not be diveſted of, but for reaſons which would juſtify his being excluded from the Throne. He ſaid, if there was any weakneſs in the reaſoning of this venerable common lawyer, it was, that the caſe he probably had under conſideration (for he was not certain) was a natural demiſe, but ſtill it applied ſtrongly to the preſent caſe.

It had been urged by a noble and learned Lord who firſt ſpoke, that unleſs theſe Reſtrictions had been impoſed upon the Prince, his Majeſty, when he recovered, and came down to that Houſe, might ſee faces which were new to him, probably ſuch as he would not like to ſee, and that he might find himſelf ſurrounded by his enemies. His Lordſhip ſaid, he did not wiſh to uſe any aſperity of expreſſion, but he could not help thinking this was highly illiberal, for he was ſure the King had no enemies. It was paying but a poor compliment to the two great Perſonages. He was certain the Prince of Wales would have no friends but thoſe of his family, and of the Conſtitution; and he was as certain, that his Majeſty would not be offended in ſeeing thoſe men in that Houſe. He ſaid he was ſenſible that friendſhip could only ſubſiſt among equals; it was a maxim he had learnt at ſchool, and therefore he did not pretend to be a *friend* to the Prince of Wales: but he conſidered himſelf as a friend to the whole Houſe of Brunſwick, becauſe they had been friends to the Conſtitution of this Country, and had maintained the rights and liberties of the people. He ſaid, he believed no man in that Houſe uttered any propoſition which he did not believe. He had taken the liberty to ſubmit theſe obſervations to their Lordſhips, as ſober enquiries after truth. He concluded with giving it as his decided opinion, that his Royal Highneſs the Prince of Wales ought to be entruſted with all the regal powers.

In the courſe of his ſpeech the Biſhop, amidſt a variety of other points, ſtated that his enemies, he well knew, had reported him to be a favourer of republican principles. They might poſſibly ſeize on this occaſion to charge him with being an advocate for prerogative,

tive, but he was neither a friend to republican nor prerogative principles, neither to an Ariſtocracy, nor a Democracy, but to that juſt equilibrium of the three powers, which formed that excellent fabrick, the Britiſh Conſtitution.

Lord Sandwich.

Lord *Sandwich* ſaid, he might well feel alarmed at riſing after ſo able and ſo eloquent a Speaker as the noble and learned Prelate, but he wiſhed to prevent a fourth Eſtate being introduced into the Conſtitution, and, as the noble and learned Prelate had not moved any amendment, he would take the liberty of introducing one. His Lordſhip went through all the various arguments that had been advanced in the other Houſe of Parliament againſt limiting the powers of the Regent, and introduced ſeveral pertinent obſervations in reply to Lord Camden's argument, among others, obſerving that the caſe was not that of ſuffering a tenant in tail to cut down timber, but to plant a tree on the family eſtate. He ſpoke of the injury that muſt reſult to the empire, and the damp that would be caſt on the ardour of public ſpirit, by reſtraining the Regent from conferring the honour of Peerage on meritorious perſons; he aſked whether it was likely, when his Majeſty ſhould recover, that he would feel uneaſy at ſeeing the moſt deſerving ſea officer, who had done as much ſervice to his country as ever had been done by an officer ſince a ſhip had worn a penant, the gallant Lord Rodney, ſeated on the ducal bench? He reprobated the conduct of Miniſters in deſerting ſuch a man, and ſuffering to ſink almoſt into the earth. He ſpoke of his Majeſty's ſituation as by no means ſuch as to warrant ſanguine expectations, obſerving that in the courſe of his life he had learnt the bitter leſſon of ſad experience. He mentioned the Reſolution agitated ſome years ſince, that the Power of the Crown had increaſed, was increaſing, and ought to be diminiſhed, declaring that he had voted againſt the maxim, being convinced of the contrary; but that now thoſe who had voted with him againſt the Reſolution, were for diminiſhing the influence of the Crown. His Lordſhip added a variety of other arguments and obſervations, and concluded with moving to add to the motion, by way of amendment, the words, " for a time to be limited."

The firſt Reſolution was then agreed to, and the ſecond being read, " That his Royal Highneſs ſhould not have the power of creating any Peers, except the ſons of his Majeſty, having attained the

the full age of twenty-one years," the queſtion was put on Lord Sandwich's Amendment, "for a time to be limited."

Lord *Sydney* oppoſed the Amendment, upon the ground of the abſolute impoſſibility under the circumſtances of his Majeſty's illneſs of fixing any time; in what a diſagreeable dilemma would not the Houſe be involved, aſked his Lordſhip, ſhould they agree to limit the Reſtrictions to ſix or twelve months, and at the end of that time his Majeſty, though he might not be recovered, might be on the point of perfect recovery! His Lordſhip contended that moving the Amendment was a tacit admiſſion of the propriety of the Reſtrictions. Lord Sydney.

Earl *Carliſle* was againſt the whole of the Reſtrictions, which went, he ſaid, to create a weak Government, and a ſtrong Oppoſition. He ſupported the Amendment, wiſhing that ſome part of the evil of the Reſtrictions might be done away by their being limited, but he would not allow that therefore the Reſtriction ought to paſs. He ſpoke ſhortly on the injuſtice of ſuſpending the prerogative of creating Peers; and noticing what had fallen from the noble and learned Earl, of the Parliament bringing in a Bill for creating a Peer, declared a remedy of that ſort to be much worſe than the diſeaſe, and in his opinion highly unconſtitutional. The doctrine of the two Houſes having the power of creating Peers, being held by ſo great a character as the noble and learned Earl, was, he ſaid, ſo contrary to every thing that he had hitherto underſtood of the principles of the Conſtitution, that he called on the noble and learned Lord for an explanation. Earl Carliſle.

The Lord *Preſident* ſaid, the noble Lord had miſconceived him; he did not ſay the two Houſes of Parliament could create a Peer, but that the Parliament could. Lord Preſident.

Lord *Carliſle* was ſtill diſſatisfied; he conſidered the explanation to be equally unconſtitutional with the original aſſertion. Lord Carliſle.

The Earl of *Derby* argued againſt the Reſtrictions, and combated ſeveral of the poſitions of the Lord Preſident. In particular he aſked whence the noble and learned Lord derived his information that the preſent Miniſters were to go out, and a new Adminiſtration to be formed? He conceived, he muſt have inferred it from a conſciouſneſs that the preſent Adminiſtration had treated the Prince of Wales ſo ill, as to feel themſelves unworthy of his confidence. His Lord- Earl of Derby.

ſhip

ſhip reprobated the idea of the other Houſe having any participation in the creation of Peerages, as in the higheſt degree unconſtitutional; when he ſaid this, he declared it was well known he was partial to the other branch of the Legiſlature; becauſe, being the popular eſtate of the realm, from the circumſtance of the Members of that Houſe being liable to be frequently ſent back to their conſtituents, they were moſt likely to ſpeak the real ſentiments of the people at large, who, in a Government conſtituted as ours was, deſerved every poſſible degree of reſpect and attention.

Earl Fitzwilliam.

Earl *Fitzwilliam* roſe, and reprobated the doctrines that had been advanced in the courſe of the ſeveral diſcuſſions that had taken place on the ſubject of the Regency, as tending more and more to reduce the Conſtitution from the principles of a limited Monarchy, and change it to the principles of a Republic. His Lordſhip in particular complained of what they had that day heard from the noble Earl at the head of his Majeſty's Council, who had ſtated in argument, that no evil could reſult from paſſing the Reſtriction, diſabling the Regent from creating a Peerage, becauſe that the two Houſes of Parliament could in effect grant a Peerage, where the caſe ſhould be of a nature to render ſuch a diſpenſing of the honour of nobility not only proper but neceſſary. His Lordſhip charged this ſettlement as in the higheſt degree unconſtitutional, and ſaid, he ſhould in conſequence think it his indiſpenſible duty to come forward with a declaration, condemning all ſuch doctrines as repugnant to the principles of the Britiſh Conſtitution; and he would do it the very firſt opportunity, the next day, if it ſhould be vacant, of which he deſired their Lordſhips to take notice.

Lord Preſident.

The Lord *Preſident* roſe again, and after obſerving that the noble Lord would only vote a *truiſm*, if he had kept his word, reſtated what he had ſaid, inſtancing the precedent in the reign of Henry the Sixth, of the Act of Parliament paſſed to ennoble Sir John Cornwall. He ſaid, a variety of inſtances could be given, of Peerages ſo granted by the authority of Parliament, and that a Peerage ſo created, was not, in his opinion, the worſe for it.

Earl Fitzwilliam.

Earl *Fitzwilliam* declared he was confirmed in the neceſſity of coming forward with the declaration he had intimated, his intention of ſubmitting to their Lordſhips ſervice, his apprehenſions of what he before much doubted whether he had heard correctly, were aſcertained

tained by the noble and learned Earl's having reaſſerted the republican doctrine he had before advanced, and maintained that the two Houſes of Parliament was not an unfit channel to canvaſs for a Peerage.

Lord Preſident. The Lord *Preſident* deſired, that if he had looſely ſtated any point relative to the ſource of honours, ſuch as a Creation to the Peerage, that advantage might not be taken of any inadvertent *lapſus linguæ* that might have eſcaped him. No man was more convinced than he was, that the Crown, and its ſpontaneous will, was the conſtitutional ſource of Peerage. In the inſtance he had ſtated, the fact was as he had deſcribed it; during the minority of Henry the VIth, Sir John Cornwall had been ennobled, in conſequence of an Act paſſed to enable the Regent to grant the honour. His Lordſhip ſaid, an abundant variety of Peerages ſo created might be adduced, and ſurely an honour ſo conferred, whether by the Crown, or the perſon exerciſing the Royal Authority in behalf of the Crown, was not the worſe for the previous advice and conſent of both Houſes of Parliament.

Earl Fitzwilliam. Earl *Fitzwilliam* ſaid, *worſe* and *worſe!* He was certainly ſpeaking in a Republic, and not in a limited Monarchy. The noble and learned Earl he had firſt underſtood to mean, that the honour in queſtion had been beſtowed in conſequence of a regular Act of Parliament; but he now learnt that it was merely at the inſtance of the two Houſes of Parliament. He was more than ever, therefore, confirmed in the neceſſity of coming forward with his propoſed declaration, and he ſhould feel for the Conſtitution, if their Lordſhips did not lend him their ready concurrence when he did bring it forward. His Lordſhip ſaid, a confirmation of the neceſſity of his bringing forward the declaration he propoſed, was a noble Lord's having lately ſtood up and avowed, that the proceedings going on were intended to delude and throw duſt in the eyes of the public.

Lord Preſident. The Lord *Preſident* again repeated his acquieſcence in that doctrine, which no man who knew any thing of the Conſtitution could object to, viz. that honours and rewards were derivable from the ſpontaneous will of the Crown, and that only. He was, he ſaid, as much an enemy to Republican principles as the noble Earl. He had never meant to inſinuate, that the Peerage could fairly and conſtitutionally originate in a proceeding of the two Houſes of Parliament

at their own inſtance, but at the inſtance of the Regent, intimated through the medium of the Houſes of Parliament, and in ſuper-addition to the will of the Regent having the ſanction of their advice.

Lord Portcheſter. Lord *Portcheſter* charged the Lord Preſident with having ſaid, that the creation of Peers depended on the *concurrence* of the two Houſes of Parliament, a doctrine highly unconſtitutional!

Lord Preſident. The Lord *Preſident* denied that he had ſaid a ſyllable that came near the idea ſtated by the noble Lord; he had not talked at all of the concurrence of the two Houſes, but of an act having paſſed at the immediate inſtance of the Regent, ſignified expreſsly to be ſuch, which authorized the ennobling Sir John Cornwall. He repeated it, that abundant inſtances of Peerages created by Parliament could be adduced, but deſired, if by any looſe and unguarded expreſſion, he had been underſtood to intimate, that it was his opinion the honour of the Peerage could originate in any other ſource than the pure, ſpontaneous will of the Crown, or the perſon exerciſing the Royal Authority, he might ſtand corrected, and be conſidered as having withdrawn any ſuch expreſſion.

Lord Portcheſter. Lord *Portcheſter* roſe again, and with great warmth imputed the dangerous doctrines broached that day, and all the unconſtitutional opinions advanced one after the other from time to time, from the imprudence of the Houſes not having in the firſt inſtance purſued the plain direct and obvious line of their duty, that of declaring his Royal Highneſs the Prince of Wales Regent, and by that means preventing all that delay that had led to accumulated difficulty and danger. His Lordſhip denied that the preſent Miniſters were or ought to be conſidered as Miniſters, they were the late Servants of the Crown, and at preſent were *Uſurpers*, who had arrogated to themſelves offices, which they had no right to hold, and clinging to office to the laſt moment, continued in the exerciſe of authority, after their truſt and powers were at an end; their only object, he ſaid, could be to ſhare the ſpoils of Government by providing places, penſions, ſinecures, &c. for their friends and adherents——

Lord Oſborne. Lord *Oſborne* (the Marquis of Carmarthen) called the noble Lord to order. His Lordſhip ſaid, he was ſure the noble Lord would forgive him for his interruption, ſince it would afford him an opportunity of recollecting himſelf, and he was perſuaded, that when he became

became cool, he would feel the injuſtice of applying ſuch a term as *Uſurpers* to thoſe who certainly could not, under the preſent circumſtances, be deemed Miniſters, but who nevertheleſs were under the neceſſity on a principle of duty and honour, obvious to the underſtanding of every man of common ſenſe, not to leave their offices till ſuch meaſures had been taken with the advice and conſent of Parliament, as ſhould render it ſafe for the public that they ſhould quit their very diſagreeable ſituations, and embrace others of greater eaſe, ſecurity, and comfort. The taſk of propoſing the meaſures neceſſary to be adopted in the preſent arduous criſis had devolved on thoſe who had the honour to ſerve his Majeſty, at the time that he had been ſeized with his illneſs, and ſurely it was no very enviable taſk; the noble Lord, therefore, he truſted, would ſuffer them to proceed in the diſcharge of their duty, relying as he might ſafely do, that they were as anxious to retire, as he could wiſh them, from the irkſome ſituation in which they then felt themſelves placed. The noble Lord had thought proper to impute to the noble and learned Earl at the head of his Majeſty's Councils——

Lord *Portcheſter* roſe haſtily, and ſaid, what the noble Lord was then ſaying was not to order; his Lordſhip therefore reſumed his laſt ſpeech, and proceeded to enumerate the monſtrous evils that had followed from the delay that the late ſervants of the Crown had been guilty of. Among other enormities, he ſtated that no longer ſince than Monday laſt, two men had been *butchered* by a public execution, at a time when, from there not exiſting a Government, the door of mercy was barred to them. Theſe unfortunate convicts therefore had been deprived of the fair chance, (of which every other convict during the exiſtence of an actual Government enjoyed), the opportunity of applying to the fountain of mercy, to obtain either a temporary reſpite, or a final reprieve. Another circumſtance of a ſimilar nature, his Lordſhip ſaid, had occurred in Scotland, the circumſtances of which, as he had been informed of them, (for he knew them not from his own knowledge), made his heart bleed at their recollection. He had heard two men had been executed there, after it had been intimated to the late ſervants of the Crown, that one of the witneſſes againſt them on their trial, was believed on no light authority to have been the perpetrator of the crime charged upon one of the unhappy men convicted, and who had ſince ſuffered.

Lord Portcheſter

His Lordſhip enlarged on theſe facts, and admitted that he ſpoke with warmth, the ſubject being of a nature which he freely confeſſed rouſed his feelings and put it out of his power to argue coldly.

Lord Sydney.

Lord *Sydney* urged the injuſtice of any charge being made againſt his Majeſty's Servants in ſo ſudden a manner and of ſo extremely delicate a nature, without its being reduced to ſuch a ſhape and form as ſhould admit of the parties charged making a regular defence. With regard to the perſons executed in Scotland, though he ſpoke wholly unprepared, he believed, he ſhould be able to ſtate the facts correctly. The two perſons were convicted after a full and ſolemn trial; applications had afterwards been made to Government, ſtating, that a witneſs on one of the trials was charged by the convict with having been guilty of the crime alledged againſt him, and of the perpetration of which he had been convicted; repeated arreſts of execution had been ſent down, and ſince the trial of the witneſs in queſtion, the Law Officers of the Crown in Scotland had ſignified to Government their clear and thorough conviction, that the perſons under ſentence were beyond all queſtion guilty of the crimes of which they had been convicted, and the execution of the law had in conſequence taken place. With regard to the execution in London, they were two perſons convicted of murder, who were, by the authority of a ſpecial ſtatute, obliged to be executed within a ſpecified period of time, unleſs ſome circumſtances had been ſignified to have come out on their trial to make the interpoſition of the Royal clemency neceſſary. If, however, his Lordſhip had any charge to make againſt thoſe who had the honour to ſerve his Majeſty, it behoved the noble Lord in candour and fairneſs to give regular notice of his intention, in order to enable thoſe accuſed to prepare for their defence.

Lord Porcheſter

Lord *Porcheſter* declared he perſiſted in his aſſertion, but that he meant no charge againſt Miniſters; he had merely imputed the melancholy facts that he had mentioned, to the delay that had taken place, and he repeated his words, that the convicts executed had been butchered, having been debarred the opportunity of applying by petition or otherwiſe for that mercy, which had there been an exiſting government, there would have been an opportunity of their applying for. His Lordſhip quoted Judge Blackſtone's Commentaries, in which the venerable author ſtates, that ſo tender and humane

humane is the criminal law of England, that if a convict, after receiving judgment, loſes his ſenſes, it is uſual to ſtay the execution, from the idea that if the priſoner had retained his ſanity of mind, he might poſſibly have ſuggeſted ſome plea ſufficiently ſtrong to have induced Government to have mitigated the ſeverity of his ſentence.

Lord *Sydney* ſaid, God forgive him! but he had thought, when he had heard his Majeſty's ſervants charged with being Uſurpers, and that they ſtaid in office merely to ſhare the ſpoils of Government, and provide places, penſions, &c. for their friends and adherents, that ſomething like a charge had been made againſt them. Lord Sydney.

Lord *Portcheſter* again inſiſted upon it, that what he had ſaid was no charge againſt his Majeſty's ſervants. He had urged it as an argument to prove the fatal conſequences reſulting from the delay that had taken place in making the Legiſlature complete, and as one of the moſt prominent of thoſe evil conſequences he ſhould perſiſt in maintaining it to be, ſince the perſons executed, though perhaps all guilty of the crimes alledged againſt them; to the utmoſt extent of thoſe crimes, had certainly been excuted without having an opportunity of appealing by various means, to the conſtitutional fountain of mercy, in the ſame manner as other convicts had been enabled to appeal.

Lord *Kenyon* declared, he could not ſit ſtill and hear a charge of ſo ſerious a nature, urged with ſo much warmth and vehemence, againſt a Judge. If the fact were true that the noble Lord alledged, it muſt have been owing to the criminal neglect of one of the Judges; he had hoped therefore, that the noble and learned Lord who ſat near the noble Lord who had made the charge, as he had been ſo much longer a Judge than he had, and poſſibly might have known the fact in queſtion as far as referred to the London execution, would have riſen and ſet the noble Lord right. His Lordſhip ſtated, that if on the trial of a perſon convicted of a capital crime, circumſtances came out on the trial, that warranted the Judge to ſuppoſe the conviction was founded on erroneous principles, it was his duty to reſpite the convict; that this had been done from time to time, and, he might ſay, from year to year. If, therefore, any favourable circumſtances had come out on the trial of the two perſons executed on Monday laſt, it was the duty of the Judge who Lord Kenyon.

tried the criminals to have reſpited them; and if he had neglected this high duty, the men had not been *butchered*, but *murdered*, which was in the contemplation of law, a much higher offence, and the Judge who had been guilty of ſuch an act of criminal neglect, inſtead of being ſuffered to go in ſtate to Weſtminſter Hall the next morning, ought to be ſeized in his furr robes, dragged from the ſeat of juſtice, and hurried to that dungeon, in which the two unfortunate ſufferers had lingered their laſt hours of exiſtence. His Lordſhip for this reaſon called upon the noble Lord to make good his charge, to put the parties accuſed, whoever they might be, (for he declared he knew not who was the Judge in queſtion upon their trials), and bring the guilty perſons to that condign puniſhment, which, if the charge were true, they moſt undoubtedly merited. His Lordſhip apologized to the Houſe for having thus ſuddenly intruded himſelf upon them, but declared, that he ſhould have held it criminal to have ſat ſilent, when ſuch a charge was made upon a Judge, and he had been in hopes that the noble and learned Lord, to whom he had before alluded, and who at all times ſpoke with ſo much more authority than he could pretend to do in that Houſe, would have riſen and ſaved him the trouble that he had felt himſelf obliged to give their Lordſhips,

Lord Portcheſter

Lord *Portcheſter* declared, he ſtill perſiſted in what he had ſaid, but denied that he either had made, or had meant, to urge any charge againſt a Judge. He had not known when he firſt ſpoke who was the Judge, who tried the criminals convicted at the Old Bailey. He had that moment learnt that the Judge was his own relation, and a man for whom he entertained a ſincere reſpect; but that altered not the truth. He had mentioned the facts to which he had alluded, as proofs of the various evils that had reſulted from the delay that had been ſuffered to take place in reſtoring the Sovereign Authority, and though he believed the perſons executed to have deſerved their deaths, and knew that two of them were executed in conformity to an expreſs Statute, he ſhould nevertheleſs contend that they were deprived of that chance of mercy which the Conſtitution allowed all convicts to take advantage of, and which other convicts enjoyed.

Lord Loughborough.

Lord *Loughborough* declared he had not meant to have troubled their Lordſhips that night, and for an obvious reaſon, he not only was

was unable to ſpeak at any length, but ſcarce able to breathe. He lamented, that both at the beginning and at the concluſion of the noble and learned Lord's ſpeech in that Houſe, he ſhould have taken occaſion to impute to him an inattention, the imputation of which muſt neceſſarily have given him pain. Undoubtedly he had been a Judge ſome years longer than the noble and learned Lord, and he certainly felt ſo much reſpect and eſteem for the Judges in general, ſo much conviction of the probity and honour of every one of them; he might ſay ſo much of the ſort of *affection*, implied by the term commonly uſed in their mode of addreſſing each other, that had he heard any thing that tended in the ſmalleſt degree to impeach their integrity, or arraign their conduct, he ſhould have thought it his duty to have ſtood up and deſired, that the imputation might have been reduced to a ſhape and a form capable of being combated. But he had heard nothing like this; a noble Lord ſpeaking plainly, on the evils reſulting from the preſent conjuncture of affairs, had ſtated, that certain convicts had been debarred the opportunity of appealing to the beſt attribute of the Throne before them, and of ſoliciting through the different channels of ordinary application that clemency, the peculiar ornament and glory of the Crown. With regard to the ſuppoſed imputation on any one of the Judges, he denied that any exiſted; a Judge might try a priſoner, paſs the ſentence of law upon him, (which undoubtedly was the ſentence of the law, and not the ſentence of the Judge,) and not feel himſelf entitled to report in his favour. When he ſaid this, he ſpoke from his own experience; it had happened to him, and that more than once, or twice, or thrice, that he had tried priſoners; they had been capitally convicted; he had carefully reviſed all the circumſtances of their trial, and not being able to diſcover, to the ſatisfaction of his own mind, a ſingle reaſon to juſtify a report in their favour, had reported that he could not think himſelf warranted in recommending them to mercy. He had done this, and nevertheleſs mercy had been more than once extended to perſons of that deſcription, and he verily believed, on a very fair and proper principle. He ſaid, he particularly recollected a caſe in Norfolk, where four priſoners had been capitally convicted, and he had not, upon the moſt ſcrupulous reviſion of the trial, diſcovered to his own conviction any difference in their caſes ſeparately conſidered, that appeared to warrant his reporting of one more

favourably than of another; it happened, nevertheleſs, that the Royal mercy was extended to one of them, and he thought very fairly, it having been conſidered that it was poſſible one out of the four might be ſaved without injury to the effect of the law. His Lordſhip ſaid, in ſtating theſe facts he did not heſitate in the leaſt to riſk his own character for humanity as a Judge. He had always held it to be more humane, as well for the example of others, as for the enforcement of the object and intention of the penal ſtatutes, where the guilt was evident and glaring, rather to let the law take its courſe, than by a miſtaken lenity to multiply offenders, and accumulate the ſacrifices at the ſhrine of what was falſely conſidered the ſanguinary ſpirit of our criminal laws. Being upon his legs, he ſaid he would make one effort more, with a view to ſave their Lordſhips future trouble. His Lordſhip then took notice of what had paſſed between the noble Lord at the head of his Majeſty's Council and a noble Earl near him, relative to a Peerage being created by the authority of an act of Parliament. His Lordſhip ſhewed the miſchief of encouraging any ſuch idea obtaining ground, and ſtrongly urged the danger of its admiſſion as a doctrine, authorized even by the ſanction of an individual Peer of Parliament delivered in debate, reminding their Lordſhips, that although admitting the noble and learned Earl's doctrine in its fulleſt extent, a Peerage Bill might originate in a meſſage delivered either at the inſtance of the Crown, or at the inſtance of the Regent, nevertheleſs the Houſe of Commons would be immediately let into their ſhare of creating a Peer, the honour of the Peerage would be put to the vote, and thence a moſt unparliamentary interference of the other Houſe, with the conſtitution of that Houſe, would be eſtabliſhed, a doctrine too monſtrous to be permitted for a ſingle moment! His Lordſhip reaſoned with his uſual perſpicuity and force of argument on this grand objection to the countenancing of ſuch a plan, and after ſtating that he hoped the noble and learned Earl would, by a full diſavowal of the doctrine, render his noble friend's intended appeal to the Houſe unneceſſary, proceeded to ſay a few words on the uſe and advantage reſulting from the power of creating Peers remaining entire, free, and unreſtrained, in the hands of the executive Government, as an incentive to public ſpirit and public virtue. His Lordſhip ſpoke of the ancient mythological fable, repreſenting the

Temple

Temple of Honour as placed behind the Temple of Virtue, meaning thereby to inculcate the doctrine, that all who obtained admiſſion to the latter muſt neceſſarily paſs through the former, ſince it was ſuppoſed that no perſon could deſerve honour who had not manifeſted proofs of virtue. His Lordſhip contended, that if the doors of the latter temple were cloſed, it was a virtual ſhutting up of the exterior.

Lord Preſident,

The Lord *Preſident* roſe once more, and ſaid he ſhould be extremely unhappy if he had not made what he meant intelligible by his explanations, and if he had not reſcued himſelf from all poſſible imputation of either broaching or maintaining an unconſtitutional doctrine. He therefore begged leave to reaſſert that he had not entertained any the moſt diſtant idea of laying down poſitions repugnant to the ideas the Conſtitution ſupported, reſpecting the creation of Peerages, and if any words that had fallen from him had warranted ſuch a ſuppoſition, he begged to be underſtood as having retracted every expreſſion of that tendency.

Earl Fitzwilliam.

Earl *Fitzwilliam*, under this ample diſavowal of the Lord Preſident's intention to advance any unconſtitutional doctrine, profeſſed himſelf ſatisfied.

Lord Chancellor

The Lord *Chancellor* roſe for the avowed purpoſe of drawing the attention of their Lordſhips back to the ſubject of the queſtion before them, from which he conceived the Committee to have been ſtrangely led aſide. His Lordſhip profeſſed himſelf to have entertained a wiſh that inſtead of anſwering the argument of the noble Earl, who had threatened to introduce an abſtract propoſition, and call upon the Houſe to vote a *truiſm*, the noble and learned Earl would have challenged the noble Earl to have come forward with his propoſition, and take the ſenſe of the Houſe on it. The noble and learned Earl was right in his argument; it was indiſputable that Peers had been created by the authority of Parliament. In point of fact, in a certain period of our hiſtory, Peers were as often created that way as any other. With regard to the noble Lord who had charged Miniſters with uſurpation, and had talked of the butchery of certain convicts who had ſuffered the ſentence of the law, he imputed much of the violence of that noble Lord's charges againſt Miniſters to the natural warmth of his temper, which would not allow him to reflect on the injuſtice of ſuddenly and looſely urging

urging an accuſation againſt men, whoſe characters for integrity, rectitude, and a faithful diſcharge of the duties of their office, were as dear to them as any principle of action on which the noble Lord might pride himſelf. Let the noble Lord recollect that a charge of having ſuffered men to be *butchered*, was of that ſort to which no human breaſt could ſubmit, and that he and every other man, ſtanding in a public and reſponſible ſituation, muſt neceſſarily feel that ſuch a charge ought not to be ſlightly urged. If the noble Lord thought himſelf in poſſeſſion of any fact to ground either of his charges upon (for charges he ſhould contend moſt undoubtedly they were), let him come forward and ſtate them. But the noble Lord ought to ſtate them ſpecifically, and in form: let the noble Lord attack him like a man, and he would anſwer it as a man, but he ought not to be expected to ſit ſilent, and hear himſelf arraigned in the groſſeſt manner, without endeavouring at leaſt to repel the blow. The Lord Chancellor in the courſe of this ſhort ſpeech manifeſted a conſiderable ſhare of indignation, which ſeemed to make an impreſſion on the Houſe, and to carry their feelings in a ſimilar train with his own.

Lord Stormont.

Lord *Stormont* began with declaring, that meaning as he did to claim their Lordſhips indulgence, when the ſubject of the Reſolution reſpecting the King's Houſehold ſhould come on, he would not at that late hour enter into any diſcuſſion of the various matters not immediately connnected with the queſtion that had inadvertently ariſen in the courſe of the debate, but would endeavour, as briefly as poſſible, to ſtate his ſentiments reſpecting the Reſtrictions as to the Peerage, and the amendments ſo properly moved by the noble Earl. He declared he would ſupport the latter, though he by no means approved of the Reſtriction itſelf, which he thought came with a very ill grace from thoſe who had exerciſed the power of the prerogative with a liberal hand, and thence held out to the world that in their opinion, at leaſt, the power of making Peers was peculiarly eſſential to the exiſtence of a good Government. In the courſe of five years the preſent Adminiſtration, his Lordſhip ſaid, had created forty-two Peers. Calling his Majeſty's reign therefore, for the ſake of eaſing the average, only five and twenty years, in that period, if the prerogative of making Peers were exerciſed in proportion to the ratio of the laſt five years, no leſs than two hundred and forty Peers would

would have been created in the preſent reign; which if it were true, as the noble Earl at the head of his Majeſty's Councils had ſtated, that there ought to be a certain *quota* of Peers only created in every reign, was a pretty large *quota* for the preſent reign. His Lordſhip argued the neceſſity for this prerogative of the Crown to be freely exerciſed by the perſon or perſons, whoever he or they might be that repreſented the third Eſtate, and appealed to the Houſe itſelf whether, if the power in queſtion had not been exerciſed during the laſt ten years, the public and the country would not have ſuffered many great inconveniencies. Among other material loſſes that Houſe in particular would have ſuſtained, it would not have had the advantage of the preſence and abilities of the two noble and learned Lords who had juſt ſpoken. In order to enforce his argument reſpecting that diſadvantage (a diſadvantage which he was perſuaded their Lordſhips would admit with him to have been a real and a ſubſtantial one had they ſuffered it) he would go a little into detail, which was ſometimes the moſt effectual mode of reaſoning. Ever ſince the diſcuſſion of the queſtion reſpecting the Regency, they had loſt two perſons of great character and conſequence in the country, Lord Grantley and the late Speaker of the Houſe of Commons; and it was impoſſible to ſay what farther ravages the fell tyrant, whoſe irreſiſtible power they muſt all one day ſubmit to, whether crowned or not, might make among them. At preſent there were not more than five noble and learned Lords, Members of that Houſe, who uſually attended. No one of theſe five [Lord Camden, Lord Bathurſt, Lord Thurlow, Lord Loughborough, and Lord Kenyon] could render their natural exiſtence like their reputations, immortal; it was impoſſible therefore to ſay how ſoon their Lordſhips might be deprived of the benefit of their aſſiſtance. Should ſuch an unfortunate event (which no man could more ſincerely deprecate than he did) take place, and the Regent be deprived of the power of adding to the Peerage, to what a ſituation would that Houſe be reduced? In what a lamentable condition would the property of the kingdom ſtand? Cauſes of Appeal, of infinite magnitude and importance, involving queſtions of great legal ſubtlety, might come before them, and ſurely none of their Lordſhips would ſay that the iſſue of appeals, of that deſcription, ought to reſt on the deciſion of integrity alone. The aſſiſtance of Peers of profeſſional knowledge

was

was clearly indiſpenſible, and yet from the caſe he had put, their Lordſhips would ſee that if the Reſtriction diſabling the Regent from making Peers were adopted without its being, as the Amendment propoſed, confined to a limited time, they would be expoſed to the chance of being deprived of ſuch very neceſſary aſſiſtance. Lord Stormont reaſoned upon the ſtrong neceſſity of preſerving the whole chain of Sovereign authority entire. The firſt link, he ſaid, ought to be faſtened to the foot of the Throne, and proceed regularly link by link to its termination. Let them (as they had been well adviſed) beware how they ſhut the door upon the power of creating Peerages. The door once locked, they would no longer have the key in their poſſeſſion, nor would it be in their power to obtain it again. He reminded their Lordſhips of the pride and vanity natural to human nature, and thence argued againſt their own weakneſs which might induce them to reſiſt any attempt hereafter to reſtore that branch of the Prerogative. He reminded them of the Regency Bill that had been introduced in the reign of George the Firſt, and recapitulated all the circumſtances of it, obſerving that the Miniſter of that day, who was undoubtedly a man of ability, ſtood upon the baneful ground of introducing diſſention into the Royal Family, and poiſoning the ear of the Sovereign againſt the Prince of Wales, the Heir-apparent. He dwelt moſt emphatically on the pernicious effect of ſuch conduct, and laboured it with ſingular energy. His Lordſhip afterwards cautioned the Committees againſt conſulting to take from the Regent any part of the Royal prerogatives, contending that as his government, from the uncertainty of its duration, and its want of permanency, would unavoidably be weaker than that of the Crown, it ought to have the benefit of being armed and fortified with every power granted to the Crown, in aid of its executive authority, and aſſerting, that if it were inſiſted on, that powers were given to the Crown that were not abſolutely neceſſary to the Government of the Regent, the plain inference muſt be, that more powers were poſſeſſed by the Crown than were abſolutely neceſſary, and all ſuch ſuperabundant powers, every man would admit, muſt be miſchievous, and ought not to remain a moment longer. His Lordſhip took occaſion to allude to the conduct of Richard Duke of York, of

whom

whom they had heard ſo much before, who in the character of Guardian of the Kingdom, during the infirmity of Henry the Sixth, put the Great Seal to a commiſſion iſſued in the name of the King, purporting to authorize the levying of troops to proceed againſt the *traitors*, which traitors, ſo deſcribed, were no other than the Queen herſelf and all thoſe who had, from principles of loyalty, ventured to ſupport the ſinking cauſe of Henry the Sixth. This he inſtanced as a proof of the dangerous abuſes that might be grounded on a fiction of law repreſenting the King's authority, and in confirmation of it he mentioned that a ſimilar commiſſion had been iſſued in France, in the name of the Queen of Henry the Third of that kingdom, by the young Duke of Guines, who in his early career affected to have the ſupport of the Government for his object in taking up arms, but who ultimately endeavoured to ruin the intereſts of the beſt Monarch that ever ſat upon the Throne of France, Henry the Fourth. His Lordſhip added farther arguments and collateral obſervations, but there were few, if any of them (excepting what we have noticed), little different from thoſe agitated and offered by different Oppoſition Speakers in the Houſe of Commons.

Lord Chancellor

The Lord *Chancellor* ſaid, he would lay out of the caſe for the preſent, every conſideration that did not immediately refer to the Reſolution, not with a view to avoid the diſcuſſion of every part of the various topics that had been introduced into the debate that day, but as he ſhould have a future and he truſted a full opportunity of diſcuſſing them minutely and to the utmoſt extent. He gave as a farther reaſon for ſo doing, that he meant to confine what he ſhould then trouble their Lordſhips with, to that Reſolution and the Amendment then before the Committee. Before, however, he did ſo, he muſt take the liberty of declaring that he concurred completely with the noble Viſcount in that poſition, that he had laid down with ſo laudable an emphaſis, viz. that the man who endeavoured to ſow diſſenſions in the Royal Family, and to ſet the different branches of it at variance, deſerved the execration of his country, and acted with a degree of baſeneſs beyond any other ſpecies of human depravity. He truſted, however, from the little that he had been able to ſee of the Royal circle, that there was no probability of any ſuch event as a diſunion in the family taking place, and therefore he hoped, inſtead of attempting to inſinuate that her Majeſty's holding the patronage of the Houſehold was likely to operate to the diſadvantage of the

Government

Government of the Regent, it would be inſiſted upon on all hands as more likely to be exerciſed to its ſtrength and its advantage. He declared he felt what had fallen from a noble Earl early in the debate, as the moſt handſome thing that had been ſaid upon the ſubject in the courſe of the diſcuſſions relative to the Regency in either Houſe of Parliament. He alluded, he ſaid, to the noble Earl's emphatical declaration, that he was *moſt perfectly* convinced, that the patronage of the Royal Houſehold was not likely to be exerciſed by the exalted perſonage, in whoſe hands the Reſolutions went to place it, to the diſadvantage of the Prince Regent her ſon. That was the true point of view to regard it in, and for the peace and quiet of the country it ought to be ſo argued.

His Lordſhip ſpoke of the amiable conduct of the Prince of Wales, and ſaid, to ſuch a mother he could not but act with every poſſible tenderneſs and regard. He was proud to confeſs, he thought the Houſe highly obliged to the Prince for having ſet the Queſtion of Right, which had accidentally been ſtarted, and he verily believed without any ſerious intention of inſiſting on it, completely at reſt, by the very explicit and ſatisfactory meſſage that they had all heard delivered with ſo much propriety and force in that Houſe. For that they were already indebted to his Royal Highneſs, and he truſted they ſhould be ſtill farther indebted for various inſtances of good ſenſe and proper regard to what concerned the quiet and intereſt of the public. After more comment on the neceſſity and probability of the continuance of the moſt perfect harmony and union in the Royal Family, his Lordſhip proceeded to notice ſome of the arguments that had fallen from noble Lords who had ſpoken againſt the queſtion in the courſe of the debate. He began this part of his ſpeech with declaring, that he had not clearly underſtood the logical definition of Right, as ſtated in two different ways by a noble and learned Prelate. The noble and learned Prelate had quoted Grotius as ſtating the Right of any man, to be "his moral right to poſſeſs himſelf of any thing conformable to law." Now this definition, his Lordſhip ſaid, could not apply to the Regency; ſuch an office as that of a Regent not being recognized by any part of the common, or of the ſtatute law, and conſequently no analogy of law could be brought to bear upon it; nor indeed did Grotius mean it to refer to any ſuch matter, but (for he well recollected the paſſage) to refer ſolely to a right exiſting in a ſtate of nature. The other definition that the learned

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and noble Prelate had quoted from a different authority than that of Grotius, viz. " a moral right to poſſeſs any thing *conſiſtently* with law," warranted not the application of the inference that the noble and learned Prelate had drawn from it, becauſe if it could be deemed a fair argument to ſay that the Prince of Wales had a right to the Regency, becauſe it was not inconſiſtent with any known law for him to poſſeſs it, it might with equal fairneſs be ſaid, that the noble and learned Prelate had as good a right to it upon the very ſame ground of reaſoning. Another remark made by the noble and learned Prelate was relative to the natural demiſe of his Majeſty; the noble and learned Prelate had argued that his Majeſty having been by infirmity rendered incapable of exerciſing his politic capacity, was to be conſidered, during the continuance of ſuch incapacity, as having undergone a natural demiſe, and therefore to be in a ſtate of *temporary natural demiſe*.

His Lordſhip reaſoned upon this poſition, and contended that it was the clear language of Law and the Conſtitution, that nothing but the death of the King could be deemed the natural demiſe of the Sovereign. After enforcing this by argument, he proceeded to ſhew, that by a ſubſequent part of the Biſhop of Llandaff's ſpeech, the noble and learned Prelate had forgot what he had ſaid of the temporary natural demiſe of the King, and had reaſoned upon his natural and political capacity remaining; he meant, he ſaid, where the noble and learned Prelate had ſuggeſted the plan that he thought the two Houſes ought to have purſued, viz. that of calling upon the Prince to act legiſlatively in the name of his father. All Commiſſions and inſtruments of authority would in that caſe neceſſarily have the Great Seal of England annexed to them, and they would, his Lordſhip ſuppoſed, run of courſe in the name of George the Third, which would be abſurd if the King could be ſuppoſed to have undergone a temporary natural demiſe. His Lordſhip reminded Lord Stormont, that the precedents of Henry the Sixth's reign were not, it was evident, thought equally ill of, as his Lordſhip had imagined, in all parts of the country, ſince the noble and learned Prelate had ſo heartily approved of the precedent of the tranſactions on the death of Henry V. that he had declared he had wiſhed the whole precedent had been gone upon. The noble and learned Prelate, he muſt obſerve, was miſtaken in ſuppoſing the two caſes, that of the mino-

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rity of Henry VI. and our preſent ſituation to be at all ſimilar. When Henry VI. became King, there was no Parliament, no Judges, no Sheriffs, nor any other Officer to carry on the law, or the public buſineſs; whereas now there was a Parliament exiſting, regularly convened, and in full force. The adminiſtration of juſtice proceeded, and the proper officers were capable of executing their reſpective functions. His Lordſhip here ſtated the tranſactions that took place on the acceſſion of Henry VI. of the Chancellor's carrying the Great Seal to him in his cradle, the Duke of Glouceſter's delivery of it to the then Maſter of the Rolls, &c. &c. He alſo ſaid, that notwithſtanding ſo much had been ſaid againſt the precedents afforded by the reign of Henry VI. Lord Chief Juſtice Hale relied on them as good authorities for moſt of the fundamental principles of our Conſtitution. He owned he did not diſlike the idea ſuggeſted by the Biſhop of Llandaff, and ſaid, ſomething might in future be made of it. Having noticed all theſe matters, he denied that all the powers and prerogatives of the Crown could be neceſſary for the Regent, and contended that it was their duty to reſerve ſomething to mark the rank and dignity of the King's Perſon, who ought not to be ſtripped of every rag, and ſymbol of royalty. He commended the independent ſpirit of Lord Fauconberg, that had induced him to repel the idea of the Lords of his Majeſty's Bedchamber being at the back of the Miniſter for the time being, but ſaid, he had been a little ſurpriſed that the noble Lord ſhould have ſo far miſtaken the noble Earl at the head of his Majeſty's Council, as not to have ſeen that the drift of the noble Earl's argument had been to reſcue the Lords of the Bedchamber from the calumny caſt on them elſewhere. He ſaid, when the noble Viſcount had talked of taking power *from* the Regent, he was perfectly at a loſs how to underſtand the phraſe. Where was it to be found that there either exiſted any ſuch Officer as a Regent, or if there could be found that there had exiſted any ſuch office, what were its powers defined? He denied that there ever had exiſted in the contemplation of law ſuch a thing as a Regent. He had heard of King's Lieutenants, Guardians of the Realm, Protectors, &c. but never before of a Regent, and conſequently a Regent could poſſeſs no other power than the two Houſes choſe to beſtow. He argued againſt there exiſting a neceſſity for the Regent to have a power to make Peers, and maintained that

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more real influence would result to the Regent's Government, from their having the power to *make expectations*, than could possibly be the case, were they to be enabled immediately to *make Peerages*. He stated that he knew but of two modes of making a Peer, viz. the one, of summoning persons to that House by writ, or creating Peers by Patent, both of which were necessarily inherent in the Crown as the fountain of honour, and could not with safety be lodged in other hands; nor ought they at any time to be put in trust for the Crown, unless in case of absolute necessity, and no such case he presumed would be pretended to exist at present. With regard to the amendment proposed by the noble Earl, he admitted that the Restrictions must in their nature be temporary, but the difficulty lay in the positive uncertainty to what time the King's recovery might be delayed; to declare therefore generally, that they should continue only for a time to be limited, was by no means removing the difficulty. Whenever his Majesty's Physicians should, unfortunately for the country, pronounce his Majesty's malady to be so confirmed by continuance, that his cure was in their opinions either impossible or highly improble, he should then think the operation and effect of the Restrictions ought to cease and determine, and Parliament would at all times have it in its power to make the provisions necessary for this purpose. With regard to what had been said of the risque of leaving the removal of the Restrictions to the danger of future contingencies, he said, he had full confidence in the honour and indepandance of that House, and did not doubt but that the same degree of honour and independence would continue, and that when the fit time for taking off the Restrictions should arrive, that House would willingly co-operate with the other Estates of the Realm in putting a legal end to their duration.

His Lordship, in the course of his speech, denied that any person who had acted as Guardian of the Realm, Protector, &c. had ever possessed the full exercise of the Royal Prerogatives, that self-constituted Regent, Richard the Third, alone excepted. He also justified what had been deemed a fiction of law, and ridiculed as such, declaring it to be the only constitutional mode of proceeding that could be resorted to, and observing, that if the Restrictions proposed were objected against, he should expect to hear what trick those who opposed them would have advised the adoption of, as a more safe,

more reſpectful, and more legal mode of proceeding, in a caſe ſo difficult and embarraſſing. He farther took notice of a variety of other matters of argument and obſervation that had been urged and ſuggeſted in the courſe of the debate, and raiſed a general ſmile, by ſaying emphatically, when ſome Lords exclaimed, *hear! hear!—that he hated flattery as much as he diſliked its reverſe.*

Lord Stormont.

Lord *Stormont* roſe for the ſake of one word of explanation, the noble and learned Lord having clearly miſunderſtood, and thence miſrepreſented what he had ſaid. He had not talked of taking *from* the power of the Regent, but had argued for the neceſſity of the executive Government, in whatever hands placed, having the advantage of all the powers and prerogatives of the Royal Authority. The Regent, he well knew, muſt be their creature, and could have no powers but what they inveſted him with; it did not, however, follow of conſequence, that it would be either wiſe or proper to withhold from him any of thoſe powers which were deemed neceſſary to the carrying on of a vigorous and efficacious Government, when the Royal Authority was exerciſed by the Sovereign himſelf. His Lordſhip ſaid, there was one other circumſtance that he muſt ſay a word to. He was always happy to hear the noble and learned Lord, becauſe, after the noble and learned Lord had delivered his ſentiments, there ſeldom remained any thing latent in any buſineſs to which the noble and learned Lord's ſentiments referred. By the manly and open way in which the noble and learned Lord had juſt delivered himſelf, their Lordſhips had derived this imminent advantage; the ſecret was diſcovered, and they were in full poſſeſſion of the whole circumſtances of the caſe. It was no longer doubtful for what period the Limitations and Reſtrictions were to laſt; it was now avowed that they were intended to be permanent and perpetual. For what had the noble and learned Lord declared? Not merely that Parliament would have the diſpoſal of them in its power, which they all knew, but that in the noble and learned Lord's opinion they ought to be taken off, when that circumſtance ſhould occur, which they muſt all ſee was impoſſible ever to happen. The noble and learned Lord had ſaid, that when the unfortunate moment ſhould arrive, that his Majeſty's Phyſicians ſhould pronounce his malady ſo far confirmed, that there was no probability of a cure, he ſhould think it then proper to put an end to the Limitations,

tions, and take the Reſtrictions off the Regent. It had been ſaid in the courſe of the debate, that his Majeſty might probably recover in ſix months, or his diſorder might continue twelve months, or a year and a half. Should not the event of his recovery take place before the end of either of theſe periods, their Lordſhips well knew, that the malady his Majeſty laboured under was of ſo fluctuating a nature, and aſſumed from time to time ſuch different and deluſive appearances, that although his Majeſty's Phyſicians might not be able to ſay whether he would be cured or not, they might not think themſelves warranted to declare that there was no probability of a cure.

Earl Fitzwilliam.

Earl *Fitzwilliam* roſe again to ſupport what he had ſaid in his former ſpeech, relative to a noble Lord's having profeſſed to throw duſt in the eyes of the people, and by a fiction and form of the Conſtitution appeared to have regularly adhered to it. His Lordſhip declared, he had not alluded, as the noble and learned Lord imagined, to any thing ſaid by him, but to another noble Lord, who, after having inſtanced what had paſſed on the acceſſion of Henry VI. had reſorted to the Continent for a precedent of the ſame ſort of proceeding, and had ſtated that a *Lit de Juſtice* had been held, when Louis the XV. was an infant, and he had been taken by his Governante to preſide at it, and had in appearance directed the Chancellor how to proceed. His Lordſhip enlarged on this precedent as relied on by Lord Hawkeſbury on a former occaſion, and ſaid that noble Lord in expreſs words had aſſerted all that he had in his former ſpeech imputed.

Lord Hawkeſbury.

Lord *Hawkeſbury* roſe to defend himſelf, declaring that he had not ſtated the precedent of what had paſſed in France in the minority of Louis XV. to the extent that the noble Earl had aſcribed to him. He nevertheleſs admitted that he had contended that the preſervation of the Conſtitution itſelf depended on a faithful adherence to its forms in moments of difficulty like the preſent; and that in all countries when an unforeſeen calamity rendered the exerciſe of the Sovereign Authority defective in the hands in which for the wiſeſt purpoſes the Conſtitution had placed it, there would be found large bodies of men, whoſe duty it would be to aſſemble and adviſe what means ſhould be provided for the ſubſtitution of ſome perſon or perſons to hold the reigns of Government. His Lordſhip reſerved his

ſentiments on the ſubject of the Reſolution relative to the entruſting her Majeſty with the care of the Royal Perſon, and with the controul and management of the King's Houſehold, till that queſtion ſhould come regularly under diſcuſſion.

The Queſtion was at length put by the Chairman on the Amendment, "That theſe words be added to the Queſtion," when the Committee divided,

Contents 67 *Not Contents* 93.

The Committee afterwards divided on the main Queſtion,

Contents 92 *Not Contents* 64.

The Committee then adjourned the further conſideration of the two remaining Reſolutions, that reſtraining the Regent from granting Patent Places, Places on Life, in Reverſion, &c. &c. till next day.

Friday, January 23.

STATE OF THE NATION.

The Order of the Day being read for their Lordſhips going into a Committee on the State of the Nation, in order to proceed with the adjourned conſideration of the Reſolutions from the Commons, (Lord Walſingham took the Chair.)

The Third Reſolution was then read, reſtricting his Royal Highneſs from the power of allowing any Grant, Reverſion, Patent Place, Annuity for Life, &c.

Lord *Stormont* roſe, and moved, that the words "for a time to "be limited," be added.

Lord Cathcart. Lord *Cathcart* ſpoke againſt the Amendment. His Lordſhip entered into an argument on the neceſſity of limitations upon the Regent, on the ground of the Regent's not being entitled to the Rights of the Sovereign, as he was appointed only to ſupply the interruption of the Kingly Office. His Lordſhip deſcribed the attributes of the Crown, declaring it to be the fountain of honours, the fountain of office, and the fountain of privileges. The firſt of theſe were, he ſaid, the only power withheld from the Regent. He enlarged

larged upon theſe, and alluded to a report, that conſiderable ſums of money had been advanced for the purpoſe of buying up newſpapers, and ſaid, that his friends wanted no ſuch means of popularity, the confidence and eſteem of men who were the ſource of true popularity, men of wealth, of commerce, of funded and landed property, and as long as they poſſeſſed the eſteem of ſuch men, they were above the calumny, nay out of the reach of any publication.

Lord *Rawdon* ſaid, their Lordſhips were called upon to come forward with proviſions to reſtore the executive authority, which was unfortunately ſuſpended; they were in duty, he conceived, bound to grant the whole executive authority; if they conceived the Royal Authority to be too conſiderable for the public benefit, they ought not to loſe an hour in cutting it out by the roots. The power of the executive branch of the Legiſlature, his Lordſhip ſaid, was eſſential to act againſt the powers of the two Houſes, and thereby to form an equilibrium, which equilibrium was eſſential to the Conſtitution. He defied any noble Lord to ſhew a good reaſon for altering the powers eſtabliſhed without having recourſe to the body of the people at large, and obtaining from them as ſolemn, as ſtrong, and as decided an opinion, as was had at the time of the Revolution! The abſolute queſtion that his Lordſhip conceived to be before the Houſe was, whether the executive power ſhould or ſhould not be changed? They were not to conſider that the Royal prerogatives were granted by the Conſtitution to the perſon of the King, but the Regal functions of the King, and that conſequently they by right of the Conſtitution devolved to the perſon exerciſing the Regal functions of the King. It was, his Lordſhip ſaid, from the reſpect they all entertained to their much-loved Sovereign, nearly impoſſible for them to make the difference required by the Conſtitution; if they did not, and abided by the Reſolutions offered, and carried into effect the Limitations propoſed, it would weaken and wound the Conſtitution for an indefinitive time. His Lordſhip ſpoke of reports of the Prince of Wales, which ſtated that his intereſt was in oppoſition to that of his father. Such a rumour was, he ſaid, as unhandſome as it was impolitic. What, ſaid his Lordſhip, muſt the Prince of Wales feel when ſhackled down with the Reſtrictions propoſed; what muſt he feel upon the difference made between him and his father? He muſt feel them, as all men muſt

Lord Rawdon.

feel them, as an inſult, and as a ſuſpicion. He was againſt not only the preſent limitation propoſed, but againſt every limitation, being convinced that they were unwiſe in policy, and indecent to an individual. His Lordſhip next adverted to what had been ſaid in another place, reſpecting the Lords of his Majeſty's Bed-chamber, and of the Houſehold, being menial ſervants. Such an aſſertion, he ſaid, ought not to be ſuffered to go uncontradicted; ſuch an idea ought not to be allowed to paſs to the public for a moment. The Peers of Parliament could never be ſuppoſed to be the menial ſervants to any man; they were in rank ſuperior to all other of their fellow ſubjects; and thoſe who were about the Royal perſon were placed there by the Conſtitution, not as menial ſervants, but as aſſiſtants to the grandeur of the Monarch. He was conſcious that every one of thoſe noble Lords would ſpurn at any attempt to influence their votes, but they might be induced by their affection to vote contrary to their judgment. His Lordſhip ſaid it was ridiculous to argue that, ſhould the preſent Reſolution not paſs, that the King's return to his Throne would be impeded; neither a vote of that, nor of the other Houſe, could prevent the Sovereign, who worthily reigned in the hearts of his people, from aſſuming his Throne whenever God ſhould again give him the capacity. No, if the two Houſes ſhould adopt ſuch a meaſure, the people would ſtep in, correct ſuch determination, and exert their right of giving law to thoſe whom they had choſen to make laws for them. His Lordſhip, ſpeaking of the laſt Reſolution to be propoſed, ſaid, that as it contained three diſtinct propoſitions it ought to be ſeparated, that each propoſition might be fully and fairly decided upon. The latter part, he ſaid, provided a Council; and before he conceived their Lordſhips ought to agree to that propoſition, it ought to be ſtated to their Lordſhips of whom that Council was to be compoſed.

Lord Oſborne.

Lord *Osborne* (Marquis of Carmarthen) freely admitted that the Kingly powers were veſted in the Sovereign for the benefit of the people, but from that it did not follow that when the King was, by a temporary indiſpoſition, rendered incapable of the exerciſe of his Sovereign powers that they ſhould devolve to another, and that the perſon appointed to the exerciſe of the Sovereign Authority, ſhould be veſted with all the powers of the Crown. He ſaid, he could not agree

agree with the aſſertion that the Conſtitution was injured by the Reſtrictions, becauſe they reſtrained the powers of the Crown; on the contrary, he conſidered them not only as ſtrictly proper, but perfectly conſtitutional. He conſidered the Queen as the proper perſon to have the care of the King, and the direction of the Houſehold. He would not for a moment entertain an idea that the patronage propoſed to be entruſted to her Majeſty, in the care of the Sovereign, would ever be exerciſed againſt her ſon's government. What oppoſing intereſt could there be? In what did the intereſt of the Queen and the intereſt of the Prince differ? They had one general, one united intereſt, and they could not oppoſe each other's intereſt without injuring the intereſt that was common to both parties. With reſpect to the noble Lord's wiſh to know who were to conſtitute the Council of Advice to her Majeſty, that he ſaid would be explained by the Bill that would be brought in. His Lordſhip contended feelingly for the continuance of the whole Houſehold under the direction of the Queen; if it was taken out of her hands, it would be adding inſult to affliction. His Lordſhip aſked when the Lords of the Bedchamber had not been made free with? The preſent, he was ſure, were men of ſtrict honour, and far above the reach of influence. He ſaid he revered his Sovereign, he loved the Prince of Wales, and he felt the higheſt reſpect for her Majeſty; but he moſt revered and loved the Conſtitution of his country. He concluded with profeſſing that he conſidered himſelf, and would ever conſider himſelf, reſponſible for his conduct both with reſpect to his Sovereign and to the Conſtitution, to their Lordſhips and to his country.

Marquis of Townſhend.

The Marquis of *Townſhend* reprobated the idea of loading the country with an additional expence to ſupport the ſtate of the Regent, when the preſent eſtabliſhed Houſehold would ſerve both to attend upon his Majeſty and the Regent. All the domeſtics, up as high as the Groome of the Chamber, might attend and wait on his Majeſty, while the Lords with white ſtaves, and all the higher officers, who could not now be upon any duty about his Majeſty's perſon, might attend the Regent, and make a part of his ſtate and ſplendour. The Marquis ſpoke alſo of the military eſtabliſhments at St. James's, the Yeomen of the Guard, and Gentlemen Penſioners. He aſked of what uſe were they at this time? were they left in an

empty palace to guard the old tapeſtry? Why were they not placed under the Regent? Dr. Willis, he was perſuaded, did not want a reinforcement of ſuch aſſiſtants. His Lordſhip ſpoke of the want of œconomy evident in the providing a new and unneceſſary eſtabliſhment, which ſeemed repugnant to the principles of the preſent Adminiſtration, who had not only profeſſed to be friends to œconomy, but acted upon that principle, and he would do them the juſtice to ſay, acted laudably for the public, and to the effectual ſervice of their country. His Lordſhip wiſhed to know of whom the Queen's Council was to be compoſed before he could bring himſelf to vote for any ſuch Reſolution,

Lord Kinnaird and the Duke of Chandos roſe to ſpeak at the ſame inſtant, which cauſed a converſation between Lord Derby, Lord Walſingham and Lord Sandwich, on the right of the Duke to ſpeak firſt, which was ended by Lord Kinnaird's giving it up to the Duke of Chandos, who he conſidered to have a prior right to deliver his ſentiments, on account of the debate turning on a queſtion in which he was intereſted (the Houſehold).

Duke of Chandos.

The Duke of *Chandos* then roſe, and ſpoke in ſupport of the Reſolution, and againſt the Amendment. His Grace delivered himſelf in moſt affectionate terms of the illneſs of the Sovereign, with whom he ſaid he had lived in habits of reſpectful acquaintance for forty years. He aſſured their Lordſhips that he would much rather deliver up his office, which he was ready to do, than be ſuſpected of being influenced by it in his vote: the emoluments of it were what he leaſt conſidered; he had never connected himſelf with any Adminiſtration from the time he had firſt come into that Houſe to the preſent moment. He had ſupported the preſent Adminiſtration from principle, and he knew them to be an Adminiſtration that had rendered the greateſt ſervices to their country. The Duke paſſed a warm eulogium on Mr. Pitt, and parodying what Mr. Pitt's father had ſaid of General Wolfe, pronounced the preſent Chancellor of the Exchequer an heaven-born Miniſter.

The Queſtion was then put upon the Amendment, which being rejected, the original Queſtion was carried without a diviſion.

The fourth Reſolution was next put, diſabling the Prince of Wales from interfering with the real or perſonal property of the King.

Lord

Lord *Loughborough* oppoſed it, upon the ground of the Reſolution's conveying an indecent and unjuſt ſuſpicion of the Prince of Wales, which ought not to be ſuffered to go forth to the public. His Lordſhip began a converſation on the ſort of property belonging to the Crown, which was held *jure coronæ*, and on what was held otherwiſe. Lord Loughborough.

Lord *Kenyon* ſpoke in ſupport of the Reſolution; the King, he ſaid, had a right to transfer forfeited eſtates, his copyholds, &c. and it would not be fit that that power ſhould be given to any other. Lord Kenyon.

Lord *Loughborough* aſked whether there was any noble Lord that would ſuggeſt the probability of his Royal Highneſs, without the limitation, attempting to ſell any of his father's poſſeſſions? and if no ſuch probability exiſted, where was the neceſſity for the reſtriction? Lord Loughborough.

Lord *Radnor* ſpoke of Church Advowſons as a peculiar part of the property of the Crown. Lord Radnor.

The Lord *Chancellor* ſaid, he could not conſider the Reſtrictions as reflections on the Prince of Wales. If he conſidered them on the ground of neceſſity of providing againſt the Prince of Wales, he ſhould give his vote againſt them all: for he was ſo confident of the goodneſs of his Royal Highneſs's heart, that were he to be entruſted with the moſt unlimited power, no degree of danger of an ill uſe of it might be expected. He begged their Lordſhips to remember, that in the diſcharge of their duty, they were not to conſider of any reſpect due to this or to that perſon, but to decide as the occaſion required; if they did otherwiſe they would do abſolutely wrong. They were to conſider the Reſolution as applicable to a Prince of Wales, and to perſons in general; they were to give to the new office to be appointed all eſſential powers, and no more than were eſſential. He did not ſuppoſe that any perſons who might be about his Royal Highneſs would adviſe him to alter the real property of his father; he did not believe that if he was ſo adviſed he would follow the advice; nor did he believe he would do it of his own will: but notwithſtanding he had ſo high an opinion of his Royal Highneſs, he felt it his duty to put every conſideration of perſonal reſpect out of the caſe, and conſidered the Reſolution as abſolutely neceſſary and eſſential to the rights of the Crown. Lord Chancellor

Lord

Lord Loughborough.

Lord *Loughborough* was ſtill of opinion that it was unneceſſary, and that it tended to nothing but a reflection upon the Prince, inſinuating that, unleſs he was reſtricted, he would preſume to diſpoſe of his father's property. His Lordſhip ſaid, it was conſidered as a libel if any perſon ſent to another the commandment out of Holy Writ, "Thou ſhalt not ſteal," as it implied by the caution, that the perſon to whom it was ſent was a thief; ſeeing the reſtriction in the ſame libellous light, he objected to it as an unjuſt and unwarrantable reflection upon his Royal Highneſs.

Lord Chancellor

The Lord *Chancellor* ſaid, the Reſolution was not to be admitted as a perſonal reſtriction, but as a general proviſion.

The Queſtion was then put upon the Reſolution, and carried without a diviſion.

The fifth Reſolution, that relative to her Majeſty's having the cuſtody of the King's perſon, and the controul and management of the Houſehold, was next read.

Lord Rawdon.

Lord *Rawdon* immediately roſe to move their Lordſhips to divide the Motion. His Lordſhip appealed to the Chairman for information what ſort of Motion he ought to make to anſwer his purpoſe, which was to divide the Motion into three diſtinct Propoſitions, as it would be a matter of convenience to debate each ſeparately and diſtinctly.

This gave riſe to a deſultory converſation relative to the ſort of Motion that would be regular.

Lord Loughborough.

Lord *Loughborough* ſaid, if the whole propoſition were put together, it would puzzle the debate, and perplex their Lordſhips in voting, becauſe there might be ſome noble Lords who would vote for one part, and ſome for the firſt and laſt, leaving out the middle, that which gave her Majeſty the power of removing and appointing officers. His Lordſhip therefore recommended that the motion might be divided as propoſed by the noble Lord.

Earl Bathurſt.

Earl *Bathurſt* ſaid, being a Reſolution ſent up by the Houſe of Commons, their Lordſhips could not divide it. The only queſtion they could put, was to move, "that the Committee do agree to this Reſolution of the Houſe of Commons," and then any noble Lord who wiſhed to get rid of any part of it, might move by way of amendment to leave out ſuch and ſuch words. If the motion had originated in that Houſe, they would have had full command over and might have divided it and ſubdivided it as they pleaſed.

Lord

Lord *Rawdon* again ſaid a few words on the convenience that would reſult from dividing the motion. Lord Rawdon.

The Duke of *Richmond* argued againſt it; he thought the queſtion by no means complicated or embarraſſed; the ſecond and third parts naturally followed from the firſt, and in his opinion the component parts weat together; if the Houſe thought they were improper, it would be right to divide the queſtion. Duke of Richmond

Lord *Rawdon* ſaid, he would move that the queſtion be now divided. Lord Rawdon.

Lord *Loughborough* reaſoned upon the manifeſt injuſtice of forcing any noble Lord to vote for the whole of the three Propoſitions connected together. He ſaid, perhaps no perſon would object to the firſt Propoſition, viz. that of committing the care of his Majeſty's perſon to the Queen, but many might object very forcibly to the ſecond part, and be extremely averſe to putting the patronage of the Houſehold into her hands, from a perſuaſion that it ought to go along with the other patronage annexed to Government.

The Lord *Chancellor* aſked whether a motion had ever been known to be made in either Houſe for dividing the queſtion? For his part, he was ready to take it as a clear propoſition, that the firſt and ſecond propoſitions went together, and that the third naturally followed the two former. If any perſon thought the three parts were ſingle and ſeparate propoſitions, he might take the means of ſeparating them, but he could not do it by a motion to divide the queſtion. His Lordſhip ſaid, it had fallen to his lot to have read a conſiderable part of the Journals of that Houſe and of the other, and a motion to divide the queſtion was a motion perfectly new to him, the regular queſtion always being, "that theſe words ſtand part of this motion." Lord Chancellor

The Marquis of *Townſhend* ſaid, the motion appeared to him to be peculiarly complex; he wiſhed to vote for one part, but not for another. Marquis of Townſhend.

Lord *Loughborough* thought it a fair propoſition, that a complex queſtion be divided. Lord Lough-borough.

The Lord *Chancellor* ſaid, in what manner the noble Lords conceived it poſſible for the King to be placed in the hands of her Majeſty, without giving her the ſuperintendance and controul of the Houſhold, was to him inexplicable. His opinion was, that all that belonged Lord Chancellor

belonged to the Houſhold muſt at the ſame time, with the care of the King's perſon, be put under her Majeſty's controul and management. There was no other way of preſerving the King's dignity, but keeping him with all his royal attendants about him. If they ſeparated the Reſolution, they might as well proceed to treat the King as an ordinary individual, and put him out on board wages, or ſend him to one of thoſe boarding-houſes that take in unfortunate people. If they meant to abandon his Majeſty in his preſent *bereaved* ſituation, let them act in that manner, and that indeed would be the only manner to make ſhift without the Royal Houſhold going to the Queen, and then it would be in vain for that and the other Houſe of Parliament to loſe their time in inventing the means of preſerving the rights of their Sovereign, and reſtoring him to his former power, and former ſplendor, for they might never expect a cure. Let the Committee remember, that the Queen was to have the care of her Royal Patient, not as a wretched being, deſtitute of friends, an obſcure individual, without name, without honour, without reputation, forſaken by all the world, but as a King whom his people looked up to with loyalty and with affection, and with anxious wiſhes that he would ſoon be enabled to re-aſcend his Throne, and again diſtribute bleſſings on his grateful ſubjects. His Lordſhip here ſaid with great emphaſis and energy, that he *claimed for the King* all the dignity that ſhould attend a Royal Perſon who was ſick, and who was entitled to every attention and every comfort that could be adminiſtered to him in the hour of his calamity, and who ſhould *dare* to refuſe his requeſt? It would, and it ought, his Lordſhip ſaid, to mortify the Queen, if the King was deprived of all the dignity that ſurrounded him, and turned over to her in an unfeeling and irreverend manner, deſtitute of attendance, deſtitute of every mark and token of Royal greatneſs. How muſt a wife of her Majeſty's deſcription receive a huſband, under whoſe beloved ſhade ſhe had for many years been protected and made happy? Was there a man who heard him, who poſſeſſed the ſenſibility common to every ordinary human breaſt, who did not ſympathize with her Majeſty's ſituation? He had heard indeed that from political ſpeculations, doubts had been entertained with reſpect to the dignity that ought to ſurround his Majeſty's perſon, but no man alive to the leaſt ſenſe of loyalty, alive to a principle of compaſſion, alive to any one generous feeling, could ſurely

venture

venture ſo far to forget what was due to their ſuffering Monarch, as to ſeparate the ſecond from the former part of the Reſolution. He proteſted to God he did not believe there was a ſingle noble Lord in that Houſe who wiſhed to ſtrip his Majeſty of every mark of royalty, and reduce the King to an *abject* and *forlorn* ſituation, while he was labouring under a misfortune equal to any misfortune that had ever happened ſince misfortune was known in the world. With regard to ſeparating the ſecond from the firſt part of the propoſition, he reprobated the intention as a cruel idea, and exclaimed againſt it in terms of great animation, aſking if ever calamity ſo ſhocking, if ever misfortune ſo ſevere, was ſuffered to excite ſo little compaſſion where ſo much was due? That King

Deſerted in his utmoſt need
By thoſe his former bounty fed.

His Lordſhip declared, the obvious feelings of mankind went ſo directly to the wiſh of paying every mark of reverence, reſpect, and attention to the Sovereign in his hour of his miſery and misfortune, that he was perſuaded the public would be ſhocked at the idea of that Committee perſiſting for a moment to heſitate, whether the King ſhould be attended with the Royal Houſehold or not. His Lordſhip purſued his theme in tones that in a peculiar manner overwhelmed the feelings of all who heard him, and before he ſat down his emphaſis became more governed, when he ſaid, he deſired not to be underſtood as intending, either by his argument, or the warmth with which his zeal had impelled him to deliver it, to preclude the debate, or bear hard upon any one of thoſe noble Lords who had intimated a wiſh to ſeparate the motion.

Lord Rawdon.

As ſoon as his Lordſhip ſat down, Lord *Rawdon* roſe and ſaid, after having been in ſo extraordinary a manner alluded to by the noble and learned Lord, it was impoſſible for him not to riſe and declare that he was exceedingly concerned at what he had heard; nay, he would go farther, and when he took notice of the extraordinary tone and manner in which the noble and learned Lord had delivered himſelf, he muſt attribute it entirely to the noble and learned Lord's intemperate zeal. There was not in that Houſe a noble Lord who felt greater gratitude to the Sovereign than he did, or one who would be more ready to convince him of his zeal to ſerve him, ſhould Providence permit him to reſume his Royal functions.

But

But what, his Lordſhip aſked, had he done to provoke the ſingular mode in which the noble and learned Lord had expreſſed himſelf? Candidly and abſtractedly from all motives of faction or party, he had appealed to the Houſe, on the ſuggeſtion of his own mind, and barely on the principle of conveniency. Ought he, his Lordſhip ſaid, to be immediately attacked, and to hear it inſinuated that he had acted in an irreverend manner? The expreſſion, it was true, had been retracted as ſoon as it had been made; but he muſt contend that it ought not to have been uſed at all; and he muſt inform the noble and learned Lord that he *would be* given the ſame credit for candour in that Houſe, that he had at all times given the noble and learned Lord. In the further diſcuſſion of the ſubject, his Lordſhip ſaid, he muſt requeſt that the paſſions might not be appealed to, and he claimed for himſelf that ſame ſentiment of reſpect towards his Majeſty, which the noble and learned Lord had claimed on the part of the defenceleſs ſituation of the King. He had, his Lordſhip ſaid, adviſed, whenever he could take the liberty of adviſing, that the utmoſt moderation and temper might diſtinguiſh the courſe of the future proceedings, and he was perſuaded they would all profit by it, were his advice followed. His Lordſhip then moved to leave out the ſecond part of the Motion, ſaying, that by ſo doing he did not mean that no other proviſion ſhould be made, but becauſe he thought he did his duty to the Houſe by moving that the words be left out.

Lord Chancellor

The Lord *Chancellor* took notice of what Lord Rawdon had ſuggeſted of his having retracted what he had ſaid, and denied that he had either retracted, meant to retract a word, or retract a ſyllable, becauſe he was perſuaded he had not ſaid a ſyllable that he had any occaſion to retract. He declared he would repeat what he had ſaid when laſt on his legs, addreſſing it as he had done before to the Houſe at large and the Committee conjointly, and not to any individual Lord on either ſide the Houſe. His Lordſhip here re-aſſerted his opininion, that the Committe would ſhamefully neglect their duty, and leave the King in that deſtitute and wretched ſituation that he had deſcribed, if they ſeparated the ſecond part of the Reſolution from the firſt, and did not accompany the truſt of the Royal Perſon in the hands of the Queen, with enabling her to diſcharge that truſt, by putting the Royal Houſehold at the ſame time under her

her direction and controul. Till the particular word which he had been ſuppoſed to have retracted was ſpecified, therefore, he hoped it would not be thought that he had retracted any words whatever.

His Lordſhip admitted, with regard to the motion, that there was nothing more fair than to move to leave out words in a motion, but he had never heard of moving to leave out words, unleſs it was firſt declared, that the mover meant to ſubſtitute better words, and put the Houſe or the Committee in poſſeſſion of the amendment regularly, before the perſon propoſing it attempted to clear the way for it.

Lord *Stormont* roſe and ſaid, that he conſidered the expreſſion of "thoſe his former bounty fed," as peculiarly addreſſed to him. He had, indeed, he owned, enjoyed the higheſt honours, and paſſed the moſt conſiderable part of his life in the poſſeſſion of the greateſt emoluments from his Majeſty; and therefore he might be ſuppoſed to have been one who came under that deſcription, and had ſhared the greateſt part of the Royal bounty. But thoſe honours, and thoſe emoluments were not, he conceived, now repaid with ingratitude. He would ſay with the noble Secretary of State, he loved his Majeſty, he loved the Prince of Wales, but he loved more the Conſtitution. This declaration was made in the preſence of ſome of the Royal Family, and he would not ſcruple to make it before his Sovereign, if he ſhould ever be reſtored to his preſence again. He begged their Lordſhips to conſider what might be the conſequence of the diviſion of power propoſed. There might be competition, and, however delicately he might wiſh to ſpeak upon the ſubject, ſparks might ariſe which would kindle in a flame. He inſtanced the caſe of Cardinal Richlieu, who ingratiated himſelf with the mother Queen, and cauſed a variance between her and her ſon. The perſon intruſted he thought with the King's cuſtody, ought not to have the diſpoſal of his Houſehold. It was cruel to throw her Majeſty upon a ſea of politics without a rudder, chart, or compaſs. No man had ever yet aſcribed to her any political interference whatever. If any word ſhould eſcape him which might be made to bear any tendency to reflect on the Lords of the Bedchamber, or of the Houſehold, his Lordſhip diſavowed having entertained any ſuch intention. He knew all thoſe noble Lords in

Lord Stormont.

that

that Houſe, and had been honoured with the friendſhip of many, particularly with that of the noble Duke, [the Duke of Chandos] whom he could not but admire for the manlineſs with which he had delivered his ſentiments on the preſent occaſion. His Lordſhip then adverted to the famous Bill to diminiſh the influence of the Crown, and ſaid that he thought the premiſes unfounded; but allowing the premiſes, the concluſion was irreſiſtible: if thoſe powers were unneceſſary, take them away. If thoſe in the preſent caſe, whoſe general opinion was to ſupport the Adminiſtration, be it what it might, were willing to conſent, in this inſtance, to ſo much patronage being taken from the Crown as that of which it was now about to be deprived, they were guilty of a monſtrous ſoleciſm in politics. People who accepted places ought to quit them, and not enter into a ſyſtematic oppoſition, becauſe that would be turning into the bowels of Government what was meant for its defence. Though perſonal diſtinctions were diſclaimed, Gentlemen had ſometimes relied upon them, and it had been aſked whether the diviſion of power between a mother and ſon would not tend to produce bad conſequences? His Lordſhip obſerved, ſcarce a ſingle inſtance in hiſtory had occurred of power being divided between a mother and a ſon from which miſchief had not enſued. The Queen might have ill adviſers. In ſaying that, they might indeed go near to direct a cenſure againſt themſelves, for as yet they were but ſtriking in the dark. Who her adviſers were to be, his Lordſhip knew not; but ſhe certainly might have powerful adviſers in Council. They might perſuade her that ſhe could not render a greater ſervice to her ſon, and to the country, than by attempting to reſcue the Prince himſelf from ſuch pernicious hands as thoſe in which he placed his confidence. Nothing, he ſaid, could ſtrengthen the Oppoſition like a weak Government, and from the intended diviſion of power he expected to ſee the ſtandard of Oppoſition erected in the centre of the Queen's Palace. It was aſked, will you leave the King in that miſerable deſtitute ſituation, without his Houſehold Officers? Gentlemen, his Lordſhip ſaid, had raiſed a ſhadow, had given it an hideous form, and combated the ſhadow they had raiſed. Thoſe officers were attendant on the King only when he was the repreſentative of Majeſty. Would it not ſeem taunting to attempt

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to ſuſtain ſuch an idea at the preſent moment? Would not the places of the Houſehold Officers be mere ſinecures? The queſtion therefore was, whether the dignity of his Majeſty would not be better kept up by the idea he had profeſſed, than by the hideous idea of the King's being unhappy on his reſtoration to health, at beholding new Officers of the Houſehold? His Lordſhip ſaid thoſe officers, who were removeable at the will of one perſon, and not of another, lived at preſent like the gods of Epicurus, with great ſplendour and hoſpitality; ſome in town, and ſome at their ſeats in the country. A diſtinction had been made between the political and the houſehold ſervants of the Crown; but this was a diſtinction without a difference. Let gentlemen give a definition of a political ſervant which does not apply to the Lord Chamberlain or the Lord High Steward. The Statute Book on the table would prove, that in the reign of Henry VIII. they were both called Great Officers of the State. Were not thoſe, he would aſk, political ſervants? Was it intended to deprive the Regent of the right of naming his Majeſty's chaplains? Did not that properly belong to the office of the Lord Chamberlain? It was ſaid that we muſt provide againſt the exigency of the caſe. But this ought not to be by dividing the Royal powers between the Prince and the Queen, and ſetting the ſon at variance with the mother. The Romans never provided againſt parricide, becauſe they thought no child could be ſo unnatural as to be guilty of the crime. But this was the worſt of parricide. He declared fairly, that he had not conceived ſuch a plan was poſſible to have originated in the preſent Adminiſtration. Little did he ever conceive that a Right Hon. Gentleman, with whom he had not the honour of being perſonally acquainted, would have acted ſo differently from what might have been expected from ingenuous youth, bright talents, and increaſing fame. He had imagined that the Gentleman alluded to would rather have exclaimed, let the tide of Royal power roll on with undiminiſhed ſtream from father to ſon, from King to Regent! It ſhould devolve whole and entire from the Crown to its repreſentative.

His Lordſhip aſſerted that he conſidered the Royal powers and authorities as a weight in the balance of the Conſtitution; when Gentlemen diminiſhed that weight, they altered the balance. It had been ſaid by one ſet of perſons, that if they were in Adminiſtration,

ſtration, they would conduct themſelves as they had hitherto done, but that, as the caſe at preſent ſtood, they would be careful and vigilant in watching the power of the Regent; that if public meaſures ſucceeded they would rejoice, and that the compariſon between the government which they had conducted, and that which was to be conducted by their adverſaries, would now more obviouſly appear. But his Lordſhip obſerved there could be no compariſon if they crippled the Government. He would only ſuggeſt to the Houſe the conſequences of a fettered, weak and debilitated Government, which had the power of calling for ſervices that could not be vigorouſly exerted. He was ſurpriſed to hear a noble Lord, when ſurrounded with newly created Peers, declare, that the wax was ſcarcely cold before they had ſuffered the impreſſion to be obliterated. Let the Houſe conceive the conſequences likely to ariſe, if a King on recovering from his ſickneſs, finds that the former Government had been weak and defective. He was proud to acknowledge himſelf to be one of thoſe whom that King's "former bounty had fed;" but he would not have to tell him, upon his reſtoration, that to ſhew his attachment to his Majeſty he had conſented to cripple the Government of his ſon; a Government to be proſperous muſt be ſtrong; and it was not probable that the King would conſider it as no offence to have put ſuch meaſures into execution as tended to prevent the proſperity of the Regent; a father might, from a ſenſe of his own dignity, from conſiderations of perſonal rank, from other motives, bring himſelf to paſs by and look down upon an inſult that was offered to him; but he appealed to every noble Lord, who, like himſelf, had the happineſs to be a father, if a parent ever reſented any thing more pointedly than an injury committed againſt his ſon; and when wounded in the perſon of his ſon, reſentment and indignation aſſumed a fairer and more animated form, and almoſt deſerved the name of virtue.

Lord Chancellor

The Lord *Chancellor* ſpoke in reply, and inſiſted upon it that it was altogether unuſual to move to leave out words, without ſubſtituting other words in the room of them. He declared, nothing like an argument had been advanced to prove that her Majeſty ought not to have the direction of the Royal Houſehold, to enable her to diſcharge her truſt of the care of the Royal Perſon. His Lordſhip maintained that the Lord Chamberlain, Lord Steward, and Maſter

of

of the Horſe, although they were undoubtedly great Officers, were nevertheleſs intimately connected with the interior of the Royal Houſehold, and neceſſarily a part of it. He combated the arguments Lord Stormont had advanced relative to the diſſentions in the Royal Family, and ſpoke of the unimpeached character of the Queen, who had not only acted well, but ſo well as never to have been even ſuſpected, but to have eſcaped the breath of calumny, for eight and twenty years together, as the beſt ſecurity that the Patronage of the Houſehold ſhould not be abuſed or perverted to party purpoſes.

Lord *Loughborough*, after having laid it down as an undeniable principle, that the giving the Queen the patronage of the Houſehold, and furniſhing her with a Council, would create a certain degree of ſecret influence, highly prejudicial to the ſtability of Government, to its vigour, and to its efficacy, proceeded to point out the miſchievous operation of it in a variety of poſſible inſtances. As a proof of the effect of ſecret influence, he inſtanced the diſgrace of the Duke of Marlborough, who had raiſed the glory of this country to a moſt exalted pitch, by his many victories in Flanders, and was juſt on the point of entering the provinces of Old France, triumphantly at the head of his allied armies, when his career was ſtopped, the progreſs of his ſucceſsful arms arreſted, and he himſelf deprived of his command, through the intrigues of a Bedchamber woman to Queen Anne. Thus, what the abilities of a Harley, the faſcinating powers of a St. John, and the laborious induſtry of an Harcourt, would have been exerted to no purpoſe, if there had not been a Mrs. Marſham, who, by her ſecret influence with the Queen, was able to effect that which the powerful armies of Louis the XIV. had found it impoſſible to accompliſh. He alluded to the hiſtorical fact ſtated in a former debate, by a noble friend of his (Lord Hawkeſbury) of the circumſtance of Louis XV. being brought, when an infant of five years old, to hold a *Lit de Juſtice* in the Parliament of Paris. His noble friend, if he had turned his eyes to a few years preceding that tranſaction, in the hiſtory of the ſame country, he might have collected an argument againſt the miſchievous ſyſtem which the preſent Reſolutions were calculated to eſtabliſh. Louis XIV. towards the cloſe of his life conceived a diſlike to his nephew, the Duke of Orleans, and wiſhing to aggrandize his own natural ſon, the Duke de Maine, by his will left the

Lord Loughborough.

adminiſtration of public affairs to the Duke of Orleans, and the controul and management of the Houſehold, together with the cuſtody of the King, to the Duke de Maine. Before his death, the King told the Duke of Orleans, that he had left him every thing to which his high birth entitled him. The will was duly regiſtered in the Parliament of Paris; but when Louis XIV. died, the Duke of Orleans, (who was become preſumptive heir to the infant Louis XV. by the renunciation of the Duke of Anjou, then King of Spain) claimed the Regency, with all the powers and authorities that of right belonged to it. The Parliament, as a celebrated writer of that day obſerved, felt itſelf to be in an aukward dilemma. It ſaw the danger of giving full powers to a preſumptive heir; it ſaw alſo the abſurdity of placing the Regent at the head of the Government, and at the ſame time ſeparating from it the patronage and influence ariſing from the management and controul of the Houſehold. Both were obviouſly evils; but the Parliament, wiſely weighing all the difficulties of the caſe, preferred the leſſer evil to the greater, and ſet aſide the late King's will, revoked every limitation, and inveſted the Regent with all the powers and authorities of the Crown. His Lordſhip reaſoned upon this tranſaction, as elucidatory of the opinion of other countires, upon the evil conſequences, which they conſidered as the probable effect, of a Government wherein a part of the neceſſary power was ſeparated from the executive authority. His Lordſhip dwelt with great emphaſis on the miſchiefs likely to reſult from the ſetting up two Governments (for ſuch he conſidered the giving the Queen a large portion of patronage, and a Council to be in effect); and purſued the train of probable inconveniencies through a variety of different hypotheſis. He put the caſe of a Loan to be raiſed, in which the public credit would neceſſarily be involved; the caſe of negotiations carrying on with continental powers; the caſes of Commanders employed on foreign ſervice, and the caſe of a public delinquent, publicly arraigned. In the firſt caſe, the Loan, he ſaid, might either be defeated altogether, or the nation highly inconvenienced by the increaſe of terms occaſioned through the intrigues of the ſecond part of the Government. In the ſecond caſe, that of foreign negotiations; the Ambaſſadors employed on ſuch ſervices would act a double part, and intrigue with one Council, while they were treating with another. In the third caſe,

caſe, that of the Commanders on foreign ſervice; Miniſters might not find themſelves able to ſupport them, being deprived of the means of diſtributing due rewards, or of ſcreening and reſcuing them from party attacks, their authority would be inefficient, and the Commanders would find themſelves obliged to pay their Court to the Queen's party, as a neceſſary ſhield againſt the weakneſs of their employers, aud the power of that junto, who ought to be conſidered as the oppoſers of thoſe employers. In the laſt caſe, that of a public delinquent, experience drawn from our own hiſtory towards the end of Queen Anne's reign had proved the poſſibility of the ends of public juſtice being defeated by the influence of a powerful party acting in hoſtility to the views of executive Government. Among abundant inſtances of the idle reaſoning adopted as an argument in defence of putting the patronage of the Houſehold into the hands of the Queen, viz. that the King would feel his mind diſturbed when he awakened from his trance, and recovered from his dream, if he ſaw that his domeſtic ſervants had been removed from about his perſon, his Lordſhip put the caſe, that his Majeſty's incapacity had taken place ſome years ſince, and that his Majeſty had come to himſelf a few years ago. In that caſe, his Miniſters, when admitted to their firſt audience, would have laid this ſort of information before him. "Your Majeſty has loſt thirteen colonies, but—your palace ſtands where it did. Millions of national debt have been accumulated, but—your Lords with White Staves ſtand where you left them. Much of the beſt blood of your ſubjects has been ſpilt, but—your Lords of the Bedchamber are ſtill the ſame. Many calamities have happened in conſequence of the weakneſs of Government, occaſioned by the prevalence of ſecret influence, (and during the continuance of the American war, much ſecret influence, his Lordſhip ſaid, had been exerted), but, be not concerned at this, your Lords of the Bedchamber, your Gentlemen Penſioners, your Beef-eaters, are ſtill the ſame. Look into the red book, and you will find it juſt as you left it." His Lordſhip put this pointedly, and, after much farther argument on the abſurdity of pretending, that ſo inſignificant a circumſtance as the poſſible uneaſineſs of the King, on his recovery, at not ſeeing his ſuperior Houſehold Officers around him would afflict his Majeſty, his Lordſhip noticed the words of the Reſolution, which ſtated, that her Majeſty was to have a Council of Advice.

vice. Before the Committee was called upon to vote the whole Reſolution, his Lordſhip thought, in common decency, they ought to have had the intended Conſtitution and powers of the Council in queſtion opened to them; but not a ſingle word of explanation had been thought proper to be ſaid on the ſubject by thoſe who had brought forward the Reſolutions. Noble Lords, therefore, were obliged to argue in the dark, upon no very immaterial part of the Reſolution before them; but myſterious and unexplained as the nature of the intended Council was left by Miniſters, it was ſufficiently obvious, that the evils he had endeavoured to deſcribe as likely to flow from it, might and probably would follow from the eſtabliſhment of a Council connected with ſuch a poſſeſſion of power, held ſeparately and diſtinctly from the executive Government. Before he ſat down, his Lordſhip ſaid emphatically, than when, from better health he ſhould be better able to addreſs their Lordſhips more at length, he ſhould be ready to meet the noble and learned Lord on that queſtion, which he had ſaid, in his ſpeech of the preceding day, was gone he knew not how: that it was not to be found in that Proteſt (to which his Lordſhip ſaid, his name appeared, with thoſe of many more noble Lords, of more weight and authority than he could pretend to) and that it had of a ſudden vaniſhed. He meant, he ſaid, the queſtion of the Right of his Royal Highneſs the Prince of Wales to the Regency, during his father's incapacity to exerciſe the Royal Authority; a queſtion which he had neither abandoned, nor wiſhed to ſhrink from, but ſhould be ready to diſcuſs whenever it could properly be rendered the topic of debate.

Lord Chancellor

The Lord *Chancellor*, in his reply, charged the noble and learned Lord with having miſtated the caſe of the Duke of Marlborough's diſgrace, that event having been produced by the influence of a favourite at Court, and not by the operation of any ſuppoſed ſecret influence lodged in hands ſeparate from the executive authority; it could not, therefore, in fair argument, be admitted to bear any analogy to the ſuppoſed effect of giving her Majeſty the ſole and undiſturbed management and controul of the Houſehold. With regard to what the noble and learned Lord had ſaid, on the ſubject of public delinquents being able to evade the juſtice of their country, through the protection afforded them by party influence of any deſcription, his Lordſhip ſaid, God forbid he ſhould live to ſee the day

when

when the adminiſtration of public juſtice depended upon party influence! He truſted the country would never ſuffer ſuch humiliation and diſgrace; baſe and ſcandalous muſt that man be who would owe his ſafety under a public proſecution to the undue interpoſition of any party whatever. He was confident that the gentleman at whom ſo foul a ſuſpicion might be ſuppoſed to glance, would diſdain ſuch a refuge.

Lord *Loughborough* ſaid, from what had fallen from the noble and learned Lord at the cloſe of his ſpeech, it was evident the noble and learned Lord had forgotten that he had ſtated the caſe of a public delinquent in the reign of Queen Anne. Lord Loughborough.

The Duke of *Richmond* aſked Lord Rawdon why he had not condeſcended to ſtate to the Committee the words which he meant afterwards to ſubſtitute in the place of thoſe he had moved to have left out of the Reſolutions, ſince, without ſuch information, their Lordſhips were left entirely in the dark as to his object; a mode of proceeding which, he muſt take the liberty of ſaying, was by no means either Parliamentary or regular. The Duke, among various other points which had been ſtated on one ſide in the courſe of the debate, and caſually omitted to be anſwered on the other, took notice that the noble and learned Lord who ſpoke laſt, as well as other noble Lords, had complained of the Council, with the advice of which her Majeſty was to be aſſiſted, not having been explained to the Committee. This complaint, his Grace ſaid, was owing to their Lordſhips having overlooked the conſideration that they ought not to confound the principle of a meaſure with the detail of the mode of its being carried into effect, two matters that ought always to be kept diſtinct. The Reſolutions before the Committee, contained the principles upon which their Lordſhips were called upon to decide as to the limitations and reſtrictions, which public expediency required Parliament to impoſe on the Regent, under the preſent circumſtances of a propability of his Majeſty's recovery and return to his Government. The Bill to be brought in upon thoſe principles would neceſſarily contain their detail, and in that Bill there would, he preſumed, be clauſes defining the Conſtitution and powers of the Council, to be provided to adviſe the Queen in caſes of emergency. Their Lordſhips, therefore, with a little patience, would, in due time, know all the particulars relative to the Queen's Duke of Richmond

Council. His Grace argued againſt the probability of her Majeſty's exerciſing her power over the Houſehold politically againſt the government of her Son, the Regent, and ſaid he thought her Majeſty's unexceptionable conduct hitherto (noble Lords who had ſpoken that day having allowed that her chief claim to praiſe was her having never interfered in political concerns) was at leaſt no bad ground of expectation that ſhe would perſevere in the ſame line of unſpotted conduct that ſhe was allowed on all hands hitherto to have purſued. He lamented that an idea of her Majeſty's having any thing to do with politics had been ſtarted, declaring that thoſe vile inſtruments of ſcandal, the newſpapers, had upon that grounded their right to conſider the Queen as a political character, and had from that moment treated that great and amiable Perſonage with a degree of groſſneſs ſhocking to every man poſſeſſed of the leaſt feeling, or the leaſt delicacy. His Grace declared the licentiouſneſs of the public prints had increaſed of late to ſuch a degree of profligacy that it was evident they muſt be encouraged and ſupported in their calumnies, or they never would dare to go the length that they did every day; he called therefore upon the noble and learned Lord to explain what he alluded to, when he mentioned the poſſibility of a public delinquent's eſcaping juſtice through the hidden operation of ſecret influence; and he did ſo the more earneſtly, becauſe if left unexplained he was ſure thoſe vile peſts of ſociety, the daily papers, would pervert it to ſome ſlanderous purpoſe.

Lord Loughborough.

Lord *Loughborough* concurred with the noble Duke in his condemnation of the groſs calumny of newſpapers. It had, he ſaid, been his lot to have been calumniated, as it had been the lot of the noble Duke to be ſlandered by the ſame means; and he, like the noble Duke, had acted in an open manly way, and reſorted to the laws of his country for redreſs. If every man would do the ſame, the evil would at leaſt be checked, if not prevented. He did aſſure the noble Duke he had not contaminated his hands with any connexion with a newſpaper. He diſdained to taint his character by any ſuch connexion. Formerly newſpapers contained effuſions of wit, candid remarks, and ſuch matters as ingenuous minds might delight in; but of late the common contents had been dull, uninterreſting narrative, or violent abuſe, dark and malignant inſinuation, and foul calumny and aſperſion. The reaſon obviouſly was, the impunity

punity with which ſuch liberties were ſuffered to be taken with individuals, and the groſs and vulgar appetite of the public for ſcandal. His Lordſhip added more of pointed animadverſion on the ſame ſubject, and in compliance with the noble Duke's requiſition, informed him that the public delinquent, to whom he had alluded, had been Dr. Sacheverell.

A general cry of *Queſtion! Queſtion!*

Lord *Kinnaird* began by aſſuring the Houſe that at that late hour, and with the impatience exhibited of coming to the queſtion, he ſhould not treſpaſs on their patience; for though, at an earlier part of the evening, he had intended to have requeſted their indulgence, that he might deliver his ſentiments at ſome length, yet their Lordſhips would recollect the circumſtance which had prevented him, and would give him credit for having given the noble Duke the opportunity of ſtating to their Lordſhips his perſonal feelings on this part of the plan propoſed; for however anxious he felt himſelf to have an opportunity of ſtating, in explicit terms, the grounds of his conduct on this occaſion, yet the queſtion had been ſo fully and ſo ably argued by the noble Lords near him, that little had been left for him to ſtate, which had not already been conveyed to their ears in language ſo forcible as made him hope it had found its way to their hearts—but, in the preſent ſtage, he ſhould refrain from even ſtating that little, and confine himſelf directly to anſwer the queſtions which the noble Duke, who had juſt ſat down, had put to his noble friend (Lord Rawdon). The noble Duke had aſked why his noble friend had not condeſcended to ſtate to their Lordſhips the words which he meant afterwards to ſubſtitute in the place of thoſe which he had moved to be left out? as without ſuch information they were left in the dark as to his purpoſe. Was it meant or intended to give her Majeſty the care of the King's perſon without the means to execute that truſt? In anſwer to this, their Lordſhips muſt permit him to recall to their recollection the manner in which every ſtep of this important buſineſs had been conducted. Could they forget that a fortnight ago their Lordſhips had been called upon to vote, and had actually voted a propoſition, to which little or no explanation had been afforded them? And why, becauſe it would not have ſuited the policy of theſe meaſures.

Lord Kinnaird.

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He informed their Lordſhips, he meant the propoſition, ſtating that for maintaining entire the conſtitutional authority of the Crown, they were to deviſe certain means, &c. What were they now deſired to agree with the Commons in? Why, to ſplit, divide, and ſuſpend that authority, and thereby to render it of as little efficacy as poſſible to the State. Did they conſider gravely what they were about to do? To exerciſe the nobleſt functions that could appertain to their ſituation as Legiſlators, to veſt the government of a great country, for a limited time, in other hands than thoſe which had the indiſputable right to it, impelled to this act from the dire calamity of inevitable neceſſity? But though they might appoint the perſon who was to conduct the reins of Government, had they any right, in their preſent ſtate, to change or alter the nature or principles of the Conſtitution? The Government muſt be permanent; and whatever extent of powers that and the other Houſe might arrogate to themſelves, they would, by any attempt of ſuch a nature, exceed the bounds of their rights, as well as of their duty. But he found himſelf getting into the argument; and however he might wiſh for an opportunity ſo to do, he would fulfil his promiſe, and at that moment refrain, and with the leſs reluctance, as an opportunity would ſtill be afforded him, when the proviſions of the Bill came before their Lordſhips, at which time he truſted they would adhere more cloſely to the maxim which had been laid down by many of their Lordſhips, the propriety of which was admitted by all, but adhered to ſcarcely by any. He meant the abſtaining from perſonal alluſion to the character of any of the auguſt perſonages ſo peculiarly intereſted and affected by the ſubject under diſcuſſion. *A* and *the* were minute particles; nevertheleſs, the adhering to the true diſtinction between which was materially neceſſary to the propriety, as well as the freedom of the debate. At preſent they were debating on the principle of a Bill or Bills hereafter to be produced, and that by general reſolutions (a mode he could not help thinking very unfair and improper,) and therefore his noble Friend had been obliged to adopt the amendment he had ſuggeſted, in conformity to the plan on which all this buſineſs was founded. If it was a bad one, the noble Duke muſt impute the blame to thoſe who ſuggeſted it. His noble Friend wiſhed their Lordſhips to decide, in the firſt inſtance, on the propriety of placing the care of the King's perſon in the Queen's hands. Why did his Grace, or any other perſon, ſuppoſe, that it was meant to veſt

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ſo important a truſt in her Majeſty's hands, without affording her the means of executing it in a manner becoming the ſacredneſs of the perſon entruſted, and of her Majeſty's exalted ſtation—but the noble Duke did himſelf explain and anſwer all this difficulty, by ſtating to their Lordſhips, that all theſe reſolutions being only on general principles, would receive their full explanation by the proviſions of the Bills, when they ſhould appear. In like manner would his noble Friend's plan be amply explained; for ſure neither the noble Duke, nor any other noble Lord, had a right to demand from his noble Friend, or the other Lords on this ſide the Houſe, explanations, when they themſelves had ſo ſtudiouſly avoided giving the Houſe ſatisfaction as to their plans; but had drawn their Lordſhips into the adopting of meaſures by piece-meal, which, had they viewed at once, their judgment muſt have revolted at. As to what his Grace had ſaid reſpecting the licentiouſneſs of newſpapers, that had been fully commented on by a learned Lord near him, in a manner ſuited to the dignity of his ſtation, and with his uſual ability.

A noble Lord having very early in the debate miſconceived the intent and purport of what fell from a Right Reverend Prelate the preceding day, he could not ſit down without endeavouring to ſet that matter in its true point of view. That Right Reverend Prelate had, in a ſpeech delivered with ſuch ability and power of argumentation, as could not fail to carry conviction home to their minds, and which had remained unanſwered, becauſe in his judgment it was unanſwerable, taken notice of certain unjuſt prejudices which were vulgarly entertained concerning the conduct of certain perſons in that Houſe; and amongſt others, the Scotch Lords and Biſhops; from which unjuſt imputations, that Right Reverend Prelate did, with his uſual ability, endeavour to reſcue them, and of which he did, in direct terms, expreſs his diſapprobation; and no other conduct could have been expected from him, who had laid the whole Scottiſh Peerage under ſuch obligations by an exertion of his powerful parliamentary talents in that Houſe, at a moment when they were in danger of being deprived of ſome of their deareſt rights and privileges.

The Committee divided on the Amendment, when the numbers were, (that the words, moved to be left out, ſtand part of the Queſtion) *Contents* 94, *Not Contents* 68.

The

The main Queſtion was then put and agreed to.

The Houſe having been reſumed, the Report was brought up, the Reſolutions read, and the Amendment of the words "for a limited "time," moved to each, and negatived.

All the Reſolutions were then read and agreed to.

Saturday, Jan. 31.

Earl *Bathurſt* ſat as Speaker for the Lord Chancellor, who was indiſpoſed.

Anſwers of the PRINCE of WALES and the QUEEN.

Soon as Prayers were over, the Lord Preſident of the Council read the Anſwer which his Royal Highneſs had been pleaſed to give to the Addreſs from both Houſes of Parliament. As ſoon as the Earl had read the contents of the Prince's Anſwer, it was repeated audibly by the reading Clerk, and was as follows:

"My Lords and Gentlemen,

"I thank you for communicating to me the Reſolutions agreed "upon by the two Houſes, and I requeſt you to aſſure them in my "name, that my duty to the King my Father, and my anxious con- "cern for the ſafety and intereſts of the people, which muſt be "endangered by a longer ſuſpenſion of the exerciſe of the Royal "Authority; together with my reſpect for the united deſires of the "Houſe, outweigh in my mind every other conſideration, and will "determine me to undertake the weighty and important truſt pro- "poſed to me, in conformity to the Reſolutions now communicated "to me. I am ſenſible of the difficulties that muſt attend the exe- "cution of this truſt, in the peculiar circumſtance in which it is "committed to my charge; of which, as I am acquainted with no "former example, my hopes of a ſucceſsful Adminiſtration cannot be "founded on any paſt experience. But confiding that the limita- "tions, on the exerciſe of the Royal Authority, deemed neceſſary "for the preſent, have been approved by the two Houſes only as a "temporary meaſure, founded on the loyal hope, in which I

"ardently

" ardently participate, that his Majeſty's diſorder may not be of long " duration; and truſting, in the mean while, that I ſhall receive a " zealous and united ſupport in the two Houſes, and in the nation, " proportioned to the difficulty attending the diſcharge of my truſt " in this interval, I will entertain the pleaſing hope, that my faithful " endeavours to preſerve the intereſts of the King, his Crown and " People, may be ſucceſsful."

Lord Waldegrave then read the Anſwer given by her Majeſty the Queen, to the meſſage of the two Houſes, which was afterwards repeated by the Clerk, and was as follows:

" My duty and gratitude to the King, and the ſenſe I muſt ever en- " tertain of my paſt obligations to this country, will certainly engage my " moſt earneſt attention to the anxious and momentous truſt intended " to be repoſed in me by Parliament. It will be a great conſolation " to me receive the aid of a Council, of which I ſhall ſtand ſo much " in need, in the diſcharge of a duty, wherein the happineſs of my " future life is indeed deeply intereſted, but which a higher object, " the happineſs of a great, loyal, and affectionate people, renders ſtill " more important."

Lord *Southampton* roſe as ſoon as the reading Clerk had finiſhed, and moved that the Anſwer of his Royal Highneſs the Prince of Wales be printed; that the public might be apprized of the ſentiments and principles of his Royal Highneſs. Lord Southampton.

Lord *Hawkesbury* ſaid a word or two about printing all the papers, and then Lord Hawkesbury.

The Earl of *Radnor* regularly moved, that her Majeſty's Anſwer might alſo be printed. Earl of Radnor.

Both Anſwers, with the Addreſſes containing the Reſolutions ſubmitted to the Royal Perſonages, were ordered to be printed.

The Biſhop of *Worceſter* (in the abſence of the Archbiſhop of Canterbury, who was withdrawn to robe) moved for the thanks of the Houſe to be given to the Lord Biſhop of Lincoln, for the ſermon by him preached in the Abbey Church, Weſtminſter, on Friday the 30th of January laſt, and that he be directed to print the ſame. Biſhop of Worceſter

ORDER

Order for Commission to be issued to open the Session of Parliament.

The Order of the Day having been read, that the Lords be ſummoned, and that the Houſe reſolve itſelf into a Committee on the State of the Nation,

Lord Preſident.

The Lord *Preſident* roſe, and began with reminding their Lordſhips of the ſeveral progreſſive ſteps they had taken, which naturally led to the important criſis of their carrying up the Reſolutions voted by the two Houſes to his Royal Highneſs, whoſe gracious Anſwer their Lordſhips had juſt heard, and which could not but give the Houſe general ſatisfaction. Much, his Lordſhip obſerved, might be ſaid, on what had occurred in the progreſs of their proceedings, but as the great ſtep of aſcertaining his Royal Highneſs's determination, as to acceptance of the Regency on the conditions expreſſed in the Reſolutions, had been taken, it was unneceſſary for him to add a ſingle ſyllable upon what had paſſed, and therefore he would quit that part of the ſubject. The next neceſſary ſtep to be taken fell under the ſecond Reſolution, that by which the Houſe had decided, that it was neceſſary to determine on the means whereby the Royal Aſſent may be given in Parliament to ſuch Bills as may be paſſed by the two Houſes, reſpecting the exerciſe of the Powers and Authorities of the Crown, in the name and on the behalf of the King, during his Majeſty's indiſpoſition.

The buſineſs of that day, therefore, was to open what the meaſure was, by which his Majeſty's Miniſters propoſed to carry thoſe means into effect, in order to *appoint* and *elect* a Regent. That explanation it was his duty to make, and he begged to be underſtood as having undertaken it, under the impreſſion of a thorough conviction that, amidſt a choice of evils, the means he ſhould propoſe appeared to him to be leaſt objectionable and moſt fit to be adopted, becauſe the moſt reconcileable to the principles of the Conſtitution; but, that what he had to propoſe, he ſubmitted with great deference to their Lordſhips better judgment. He was open to conviction, and ſhould be ready to adopt a better mode of proceeding if a better mode could be ſuggeſted. His Lordſhip ſaid, he was aware that the means that had already been more than hinted at in debate, by which, under the

the practice of the Second Reſolution, it was intended to proceed to open the Parliament, and to reſcue the two Houſes from their preſent maimed and imperfect ſtate, and to reſcue the country alſo from the miſerable condition in which it had ſo long remained, and of which the people began to feel the effect and to complain, viz. that of having no Government whatever, had been made the ſubject of much ridicule. It had been called a phantom, a fiction, and by a variety of other contemptuous names; if there ſhould be thoſe, however, who ſhould object to the propoſition he had to offer, he thought it right to declare, that he held it to be the duty of the perſons who ſo objected to ſuggeſt the mode of proceeding that they thought more expedient, more wiſe, and more practicable. The delay that had already taken place from various unavoidable cauſes had revolted the public mind; the people were impatient, and juſtly ſo, for a reſtoration of the Conſtitution to its complete form, that of three eſtates, from the co-operation of which the Government derived its energy, and all its operations proceeded with vigour and with effect. In the preſent melancholy ſituation of affairs, his Lordſhip ſaid, the incapacity of his Majeſty to exerciſe the Royal functions was ſeverely felt. It was neceſſary that Parliament ſhould interpoſe its authority; but Parliament could not take a ſingle ſtep, circumſtanced as it was, at preſent; without the King, it was a mere headleſs trunk; perfectly inanimate and incapable of acting, no legal ſtep could be taken by the two Houſes that aſſumed the character or aimed at the efficacy of legiſlation, without the King at their head to ſubſtantiate the act, and give it conſtitutional currency. The King muſt be upon his Throne in that Houſe, or by ſome means or other ſignify his ſanction to their proceedings, or notwithſtanding the ſteps they had already taken, all their time would have been waſted, and all their pains thrown away. After what had paſſed, the firſt ſtep that was next to be taken, was to open the Parliament, and to do it by the King's authority. The law declared, that in one mode or other, the King muſt be there to enable them to proceed as a legiſlative body. That his Majeſty, from his illneſs, could not attend perſonally, was a fact too well known to be diſputed. The next conſideration, therefore, was, by what means the King exerciſed his Parliamentary Prerogative, when he did not exerciſe it perſonally. The legal and conſtitutional mode was, his Lordſhip ſaid, by iſſuing

Letters

Letters Patent under the Great Seal. In the preſent dilemma, conſequently the moſt ſafe means of opening the Parliament was, by directing Letters Patent to be iſſued in the King's name under the Great Seal, authorizing a commiſſion to open Parliament in the name of his Majeſty. If there were any other means, he hoped thoſe who really thought ſo, would have the goodneſs and the candour to ſuggeſt them. He muſt, however, take the liberty of ſaying, that thoſe who treated the means he ſhould propoſe, with ridicule, were ignorant of the laws of their country. A fiction thoſe means might be termed, but it was a fiction admirably calculated to preſerve the Conſtitution, and, by adopting its forms to ſecure its ſubſtance. This fiction, in the firſt place, kept the Throne entire, if the King ſhould be living, but, in his natural character, incapable of exerciſing the Royal Authority. Secondly, no Bill that had not the King's name at the head of it, and therefore purported to be of Royal Authority, could have a legal effect, a deficiency which this fiction would cure. Thirdly, if a King ſhould, for a time, be deprived of the power of exerciſing his Royal prerogatives perſonally, either from not being of age, or from being rendered incapable of attending Parliament from illneſs or any other cauſe, on his return to his powers of action as a Sovereign, he would ſee all his prerogatives had been carefully preſerved, and that they all ſtood minuted down upon record. His Lordſhip remarked that a Sovereign's ſentiments were known only by record, and reaſoned upon the abſolute neceſſity of iſſuing a Commiſſion to open the Parliament, and if that ground were admitted him, which, he conceived, could not well be denied, he aſked, by whom was a Commiſſion, ſuch as he had deſcribed, to be directed? Would it be ſaid, that his Royal Highneſs the Prince of Wales could command the Lord Chancellor to put the Great Seal to ſuch a Commiſſion? His Royal Highneſs had not the ſmalleſt pretence to aſſume ſuch an authority; both Houſes had recently voted that the Prince had no ſuch right. Would the Lord Chancellor himſelf venture to do it by his accord? Undoubtedly he would not. The Commiſſion muſt be iſſued by ſome authority, and being once iſſued, with the Great Seal annexed to it, it muſt enforce obedience. If their Lordſhips, or any of them, thought the mode, that he meant to propoſe, an inexpedient one, they were bound to ſuggeſt ſome other method of doing it; and if what they ſhould

ſuggeſt

ſuggeſt ſhould appear to be a better mode, he declared, he for one would be ready to adopt it. He thought it was in the power of the two Houſes to direct the Great Seal to be put to the Commiſſion, and in their power only. After expatiating on this point at ſome length, his Lordſhip remarked, that the Great Seal was the high inſtrument by which the King's *fiat* was irrevocably given; it was the mouth of Royal Authority, the organ by which the Sovereign ſpoke his will. Such was its efficacy and its unqueſtionable authority, that even if the Lord Chancellor ſhould put the Great Seal by caprice to any Commiſſion, it could not be afterwards queſtioned; though a miſdemeanour in effect, yet it could make Letters Patent of ſuch validity, that the Judges themſelves could not call them in queſtion. If an Act of Parliament paſſed by authority of a Commiſſion iſſued under the Great Seal, and was endorſed with a *Roi le veut*, it was valid. It muſt be received as a part of the ſtatute law of the land, and could not be diſputed. His Lordſhip enlarged on the admirable operation of this phantom, or fiction, as it had been termed, and reminded the Houſe, that they had already gone ſo far, that they could not go back; they muſt either reſort to the fiction, that had been treated with ſo much ridicule and contempt, or they muſt reſort to ſomething elſe. He was aware that it had been ſaid, that it had been a proceeding of barbarous days. Undoubtedly the precedent was to be looked for in the reign of Henry the Sixth, but he begged the Houſe to recollect, that it was thoſe barbarous anceſtors who made the Conſtitution. It was to them that we owed the Common Law of the land, which had been handed down from age to age, invariably from their time to the preſent period. It was upon them that Lord Coke had founded himſelf in every part of his works. The preſent race, therefore, would betray great ingratitude if they forgot their obligations to the reign of Henry the Sixth, a reign in which, as ſound lawyers, as able ſtateſmen, and as honeſt magiſtrates lived as in any ſubſequent period of our hiſtory. They were not, perhaps, as well read in Latin and in Greek, and as much familiarized with the luxuries of the preſent times, as our lawyers were, but it was not, therefore, to be ſuppoſed, that they did not poſſeſs as ſound underſtandings, were not gifted with as much good ſenſe, and had not as clear a conception of the Conſtitution, its principles and thoſe of the law, as both then ſtood, as any lawyers at any period.

Earl Fitzwilliam.

His Lordſhip ſaid he adverted to the firſt twenty years of Henry the Sixth, than which there never was a period of greater tranquility and peace. In illuſtration of his argument, his Lordſhip recapitulated all the events (ſo often ſtated in both Houſes during the diſcuſſion on the ſubject of the Regency) of the Lord Chancellor of that day, ſurrendering the Great Seal into the hands of the infant King, its being afterwards taken by the Duke of Glouceſter and other great men, and committed to the cuſtody of the Maſter of the Rolls, who was directed to put the Great Seal to a variety of commiſſions, &c. the Duke of Glouceſter's conduct, the mode in which Parliament aſſembled, the authority under which it from time to time acted, the part taken by the Duke of Bedford, &c. &c. After circumſtantially entering into the detail of all theſe hiſtorical facts, and reaſoning pertinently upon each, particularly obſerving that Henry the Sixth was incapable of putting his ſign manual to the commiſſion for calling the firſt Parliament that aſſembled in his reign, or writing his ſignature, as his Majeſty was at preſent. The Lord Preſident, before he ſat down, ſaid, he thought it fair to apprize their Lordſhips that at a ſubſequent opportunity, when the Bill appointing a Regent (and enacting the limitations and reſtrictions which the two Houſes had already agreed on, and had communicated to his Royal Highneſs) ſhould have gone through all its forms in the two Houſes, it would be neceſſary to affix the Great Seal to another commiſſion, giving the Royal aſſent to ſuch Bill. The mention of this ſecond commiſſion brought his Lordſhip to a renewal of his reaſoning in proof of the abſolute neceſſity of having recourſe to ſome expedient to open Parliament, declaring that ſo thoroughly convinced was he of the neceſſity, that he would apply the maxim on this occaſion of *aut inveniam aut faciam;* and as a farther confirmation that the means propoſed were conſtitutional, his Lordſhip adverted to a precedent that had occurred in 1739, in the reign of George the Second, when Lord Hardwicke had been Chancellor. He ſaid he had well known that noble Lord, and a Judge of more prudence and caution, and at the ſame time of more firmneſs, had never exiſted. Lord Hardwicke, his Lordſhip explained, had put the Great Seal to two ſeparate commiſſions in the King's name, when the King was ill, and thought to be in danger. He dwelt for ſome time on this circumſtance, and relied on it as an

argument

argument ſtrongly in favour of the doctrine he had laid down and maintained. He ſaid, one great reaſon, among others, that ought to weigh with ſome of their Lordſhips in favour of opening the Parliament, and paſſing a Regency Bill, was, that if ſuch a Bill did not paſs, the preſent Miniſters would of neceſſity be obliged to retain their places, becauſe without ſuch a Bill they could not poſſibly reſign their offices. His Lordſhip concluded with moving, "That "it was expedient and neceſſary that a Commiſſion for opening "the Parliament be iſſued under the Great Seal in the form fol-"lowing:" [The form that followed was the cuſtomary one of all commiſſions iſſued under the Great Seal of a Parliamentary nature, with the difference only of the object.]

As ſoon as the Motion had been read at length by Mr. Arnott, and put from the Chair,

Lord *Portcheſter* roſe, and began by ſtating that in his mind it would be a ſufficient anſwer to all the noble and learned Lord had ſaid, to aſk if it were indiſpenſibly neceſſary to put the Great Seal to ſuch a commiſſion as was now propoſed, why had not the propoſition been made two months ago? But he would not content himſelf with that ſhort reply; the propoſition was ſo objectionable, that he would juſt ſtate a few obſervations that occurred to his mind upon it. The two Houſes had been obviouſly miſpending their time, and drawing down ridicule on their own authority, by the manner in which they had proceeded. They had been induced to reſolve, that it was their right and their duty to ſupply the defect in the exerciſe of the Royal Authority, and now they were told, by thoſe who had perſuaded them to vote ſuch a reſolution, that it was neceſſary to open the Parliament, and that a Regent could not be made but by an Act of Parliament. Another reſolution they had voted, ſtated, that it was with a view to keep the Royal Authority whole and entire. And how had that object been fulfilled? by taking a portion of the Royal Authority into their own hands, by parcelling out another portion of it to the Queen, and by delivering over the remaining portion to the Regent, thereby enfeebling and maiming the neceſſary powers of Government, and rendering it abſolutely impoſſible that the country ſhould be well governed, or governed with any degree of energy and vigour. His Lordſhip warmly reprobated what he termed the folly of this ſyſtem, and obſerved that the per-

Lord Portcheſter

fection of the political capacity of the Crown was what the lawyers affected to adore, and to hold up as incapable of diminution; and yet in the teeth of that doctrine the two Houſes had crippled and maimed that political perfection of the Crown, and were about, by their mode of proceeding, to ſend it down to Weſtminſter-Hall, not ſuch a Deity as the lawyers profeſſed to worſhip and adore, but an Idol mangled and defaced, ſtript of its proportions, and deformed by the hand of illegal innovation and unconſtitutional violence. Such an act as they meant to paſs, his Lordſhip ſaid, would be diſputed in the Courts of Law, and could therefore anſwer no wiſe purpoſe, becauſe it muſt neceſſarily carry a forgery on the face of it. His Lordſhip, in proof of this doctrine, referred to the 33d of Henry the Eighth, whereby it was declared, that to paſs a Bill legally, the King muſt either be preſent on the Throne, and ſignify his conſent to the ſame in perſon, o ſignify it by commiſſioners, authorized to declare it under letters patent, ſealed with the King's ſign manual, and ſubſcribed with his name written by his own hand. This, his Lordſhip contended, was clear indiſputable law; and as a proof that it was ſo, he produced and read an extract from an Act of the firſt of Philip and Mary, paſſed for the purpoſe of taking off the attainder of the Duke of Norfolk. He explained, that during the laſt illneſs of Henry the Eighth, while the King was incapable of any act of Royal authority, an Act was paſſed by the two Houſes attainting the Duke of Norfolk, which Act for the reaſon ſtated received the Royal aſſent by a commiſſion that was iſſued under letters patent, wanting the King's ſign manual and ſignature. The Act of Philip and Mary, his Lordſhip ſaid, was a public act, being declaratory of the law of the land, and therefore it was to be relied on as indiſputable authority. He condemned the propoſed ſecond commiſſion for giving the Royal aſſent to a Bill, by the two Houſes in the King's name, as an attempt to aſſume the exerciſe of the Royal Authority, and as ſomething worſe than nugatory, and inſiſted upon it that whoever put the Great Seal to a commiſſion, without the King's ſpecial authority, would be guilty of an illegal act. The noble and learned Lord, he ſaid, had himſelf confeſſed that the Lord Chancellor did not dare to put the Great Seal to ſuch a commiſſion of his own accord. [On the Lord Preſident's ſhaking his head] He ſaid, the noble and learned Lord had expreſsly

expreſsly declared that the Lord Chancellor would not venture to take ſuch a ſtep himſelf. After urging this very forcibly, his Lordſhip recurred to the precedent of the early part of Henry the Sixth's reign, and ſaid, the noble and learned Lord had forgot the precedent. It ſtated that the Duke of Glouceſter applied to Parliament to know what powers he had in Parliament? when the anſwer was, "You have no right to interfere, the King being in Parliament, and of years of *meet diſcretion.*"

His Lordſhip inſiſted much upon his part of the precedent, and contended that the grounds upon which the anſwer reſted, was the circumſtance of the King (Henry the VI). having been brought down to his Parliament at ſix years of age, and ſeated on his Throne. After reaſoning for ſome time on this point, his Lordſhip ſaid, unleſs they meant to become a Republic, the doctrine laid down that day, was the moſt dangerous that could be broached. There was, he obſerved, another mode of proceeding, which although he did not wholly approve it, was far preferable to that propoſed; and that was, to order a Commiſſion to iſſue under the Great Seal appointing a Regent, and thus without delay reſtoring the Royal Authority. This mode would at leaſt be free from all the other objections that the mode propoſed would be liable to; it would ſave the Royal Prerogative from being invaded, and keep the legiſlative Rights of the Crown ſacred. His Lordſhip ſtated, that there was an Act on the Statute book, paſſed in a reign many years antecedent to that of Henry the Eighth, which ſtated that there ſhould be no alteration of the Prerogative. The Act he alluded to was, he ſaid, the ſixteenth of Edward the Second. He reminded their Lordſhips alſo, that a declaration was entered on the Journals of the Houſe of Commons, which expreſsly maintained the ſame doctrine. After laying conſiderable ſtreſs on this, his Lordſhip concluded his ſpeech with declaring, that notwithſtanding all the noble and learned Lord's arguments about the abſolute neceſſity of the meaſure, he was convinced the end would be more conſtitutionally attained without it, and therefore he never ſhould vote more heartily, or with more deteſtation of a proceeding, than he ſhould that day give his vote againſt the Motion propoſed.

The Lord *Preſident* roſe again and ſaid, he begged pardon of the Committee for having omitted to mention the Acts of Parliament alluded Lord Preſident.

alluded to by the noble Lord. It really had been his intention to have taken ſome notice of them, but in the courſe of his ſpeech, they had eſcaped his memory. With regard to the thirty third of Henry the Eighth, upon which reliance had been placed, he took that Statute to be merely *affirmative*, and that the ſole object of it was to declare, that the King might ſignify his Royal aſſent to a Bill, by a Commiſſion, under the authority of Letters Patent, ſigned by the King's ſign manual, and ſubſcribed with his Royal ſignature; but that it by no means warranted an inference that therefore the Royal aſſent could not be ſignified by any other means. With reſpect to the precedent of the conduct purſued in regard to the Duke of Glouceſter's appeal to the Parliament, in the early part of the reign of Henry the Sixth, his Lordſhip ſaid, he conſtrued that part of it very differently from the noble Lord. He conſidered the paſſage of "the King being in Parliament, and of years of *meet diſcretion*," to mean, that the Parliament declared that when the King was in Parliament, and of years of *meet diſcretion*, then the Duke of Glouceſter would have no authority to interfere in Parliament, otherwiſe than as an individual Peer of Parliament. A Commiſſion paſſed in the King's name, under the Great Seal, his Lordſhip contended, had the ſame force as if the King himſelf had authoriſed the Act it tended to ſanction. A precedent directly contradicting the noble Lord's inference, had, he ſaid, been put into his hands ſince he came into that Houſe. He could not therefore vouch for its authority, although he had no doubt it might ſafely be relied on. The precedent ſtated, that in the twenty eighth of Elizabeth, an Act had paſſed by a Commiſſion iſſued under the Great Seal, but without the manual of the Queen, or the Royal ſignature.

Lord Portcheſter

Lord *Portcheſter* perſevered in his conſtruction of the precedent of Henry the Sixth, and having deſired that the precedent might be read, maintained that the true ſenſe of the words was that he had put upon them.

Duke of York.

The Duke of *York* roſe unexpectedly at this moment, and ſaid, he had not been informed that it was intended to inſert his name in the Commiſſion, and therefore it had not been in his power to take any ſteps to prevent it. He could not ſanction the proceedings with his name, not wiſhing it to ſtand upon record, and be handed

to

to poſterity, as approving ſuch a meaſure. His opinion of the whole ſyſtem adopted was already known; he deemed the meaſure propoſed, as well as every other that had been taken, reſpecting the ſame ſubject, to be unconſtitutional, and illegal. He deſired, therefore, to have nothing to do with any part of the buſineſs, and requeſted that his name, and that of his brother, the Prince of Wales, might be left out of the Commiſſion.

Lord Preſident.

The Lord *Preſident* ſaid, upon a requiſition thus communicated, there could be no heſitation. He ſhould not for a moment reſiſt the Royal Duke's deſire, but would readily agree to omit his Royal Highneſs's name, and that of his Royal Highneſs the Prince of Wales.

Duke of Cumberland.

The Duke of *Cumberland* next roſe, and deſired that his name, and that of the Duke of Glouceſter might alſo be omitted.

Some little difficulty here aroſe, as to the mode of complying with their Royal Highneſs's requeſts. Lord *Walſingham* ſuggeſted the regular parliamentary form of proceeding, that of reading the paſſage of the Commiſſion deſired to be omitted, and putting the queſtion "That theſe words ſtand part of the Motion." This being admitted to be proper, his Lordſhip put the queſtion in form on the paſſage that deſcribed his Royal Highneſs the Prince of Wales, and declared, "that the *Not Contents* had it," which of courſe in a due parliamentary form of proceeding would have left the words out of the Motion. But no ſooner was the queſtion decided, than Lord *Fitzwilliam* roſe, and remarked, that if the means of leaving out his Royal Highneſs's name that had been reſorted to were ſuffered to go upon the Journals, it would convey a marked diſreſpect to his Royal Highneſs.

This gave riſe to ſome altercation, in which Lord *Kinnaird*, Lord *Portcheſter*, and Lord *Derby* took part.

Earl of Derby.

The Earl of *Derby* animadverted on the preſent difficulty, which he charged to have ariſen from the reprehenſible conduct of Miniſters, who, he declared, had all through the buſineſs proceeded without plan or ſyſtem of any kind whatſoever. His Royal Highneſs the Duke of York had deſired that neither his name, nor that of the Prince of Wales, might ſtand in the Commiſſion, now moved to be iſſued by the authority of the two Houſes under the Great Seal for opening the Parliament. It was aſtoniſhing to him, that the

noble and learned Lord ſhould not have been aware ſo lately as the preceding day, that it was intended to move for ſuch a Commiſſion. He conceived it to have been impoſſible for the noble and learned Lord to have come forward and ſtated it to that Houſe, without having firſt conſulted his Royal Highneſs the Prince of Wales upon the ſubject. The noble and learned Lord had, the preceding day, an opportunity of communicating with his Royal Highneſs. Why had he not communicated the next ſtep that was to be taken? If the noble and learned Lord had done this, the Houſe would not have been involved in the preſent awkward and embarraſſing ſituation. His Lordſhip declared the meaſure, to which their Lordſhips were called upon to give their conſent, to be wholly unneceſſary, and ſaid, it was a freſh inſtance of diſreſpect to the Prince of Wales, added to the ſeveral others that had preceded it.

Lord Preſident.

The Lord *Preſident* roſe to exculpate himſelf from any intention to ſhew diſreſpect to the Prince of Wales, the Dukes of York, Glouceſter, or Cumberland, by the inſertion of their names in the Commiſſion under conſideration. His Lordſhip ſaid, it was the uſual and uniform practice to inſert the names of all the Royal Family who had ſeats in that Houſe, in every Commiſſion that had any relation to Parliamentary tranſactions. To have omitted the names of the Prince of Wales, the Duke of York, and the two other Royal Dukes, would therefore have been a marked diſreſpect to their Royal Highneſſes, and would, with great juſtice, have been urged as matter of complaint, and of cenſure, againſt his Majeſty's Miniſters. Being upon his legs, and ſpeaking on that topic, his Lordſhip ſaid, he would ſay a word or two touching a charge of diſreſpect to his Royal Highneſs the Prince of Wales, that had, he underſtood, been imputed to him in another place. No man that knew him, his Lordſhip truſted, would think it poſſible, that either in the inſtance of the Commiſſion then before their Lordſhips, or in any other, he could have intended the ſmalleſt degree of diſreſpect to his Royal Highneſs. He was ſure he had never meant any thing like it, but leaſt of all, was it chargeable to him in the inſtance in which it had been imputed elſewhere, viz. that of ſummoning his Royal Highneſs to the Privy Council convened to enquire into the ſtate of his Majeſty's health, previous to the meeting of the two Houſes after their firſt adjournment. On that occaſion,

occaſion, as Preſident of the Council, he had thought it his duty to enquire of Mr. Falconer, what was the uſual diſtinction paid to the Royal Family in deſiring their attendance? He had been given to underſtand, that the only difference made between ſummoning the Royal Family and other Privy Councellors was, the encloſing the ſummons, ſigned by a Clerk of the Council, under a cover, and leaving it at their houſe. That did not ſatisfy his mind, nor did he think it ſufficiently reſpectful; he therefore wrote his Royal Highneſs a letter, and ſigned it, which he encloſed in a cover, and tranſmitted to Lord Southampton at night, not by an ordinary but by a ſpecial meſſenger, deſiring to know, if that was the moſt reſpectful mode of addreſſing his Royal Highneſs, and the anſwer was, that it certainly was the moſt reſpectful. Lord Southampton, the Earl obſerved, was preſent in the Houſe, and would doubtleſs riſe and ſet him right, if he had miſtated any particular. If therefore it were a fit ſubject for boaſting, his Lordſhip ſaid, he might fairly boaſt of having been the firſt Lord Preſident of the Council, who had diſtinguiſhed himſelf by going out of the uſual way, in order to pay his Royal Highneſs more than ordinary reſpect. His Lordſhip preſſed this argument upon the Committee, as an undeniable anſwer to the charge of intended diſreſpect to the Prince of Wales on his part

Earl *Fitzwilliam* inſiſted upon it, that what had fallen from the noble and learned Lord, was no proof that diſreſpect had not been ſhewn to the Prince of Wales in the inſtance alluded to. The Earl contended, that when it was reſolved to convene a Privy Council, his Royal Highneſs ought to have been apprized that ſuch a ſtep was in conſideration, and it ought to have been explained to his Royal Highneſs upon what principles it was deemed proper. It was in that omiſſion that the diſreſpect conſiſted, not in the mode of ſummoning his Royal Highneſs to the Council. In the preſent inſtance, the Earl ſaid, his Majeſty's Miniſters had offered the Houſe a commiſſion, in which his Royal Highneſs had been included, and they had never acquainted him with their intention of doing ſo. Earl Fitzwilliam.

Lord *Stormont* roſe, and another noble Lord riſing at the ſame time, Lord Stormont ſaid he would not detain their Lordſhips many minutes from the pleaſure of hearing the noble Lord. He roſe to ſuggeſt that the Archbiſhop of Canterbury ſhould ſtand Lord Stormont.

as the firſt named Commiſſioner, omitting the whole ſentence that preceded his Grace. His Lordſhip obſerved that the noble and learned Lord had ſaid, that in all commiſſions the names of the Royal Perſonages ſhould be inſerted. Here therefore lay the miſtake. The difference had not been obſerved between the commiſſion then propoſed and the commiſſion that ordinarily iſſued. This difference was ſurely enough to have ſtarted a doubt in the minds of his Majeſty's Miniſters, and to have induced them to have aſked previouſly whether their Royal Highneſſes would or would not have choſen to have had their names inſerted in ſuch a commiſſion. Having ſtated this, his Lordſhip ſaid, when he heard a noble and learned Lord claim merit for having put a ſummons under a cover, and ſent it to his Royal Highneſs the Prince of Wales, he could not but queſtion the ground upon which that claim of merit reſted. What! was it reſpectful to his Royal Highneſs, when they were to diſcuſs the moſt melancholy ſubject that could come under conſideration, an enquiry into the ſtate of his father's health, to omit conſulting his Royal Highneſs whether he thought ſuch a ſubject proper for the diſcuſſion of the Privy Council? Would any one of their Lordſhips ſay, that they would not have done that for the Prince of Wales which they would have done for a common individual? When they were going to inſtitute an enquiry that concerned the Prince of Wales more immediately and more peculiarly than any other individual in the kingdom, would they not in decency aſk whether his Royal Highneſs had any objection to ſuch an enquiry? His Lordſhip contended that the conduct purſued by Miniſters had been ſingular, diſreſpectful and improper.

Lord Radnor.

Lord *Rodnor* roſe to ſtate that he preſumed it would be more regular and more ſatisfactory to his Royal Highneſs the Prince of Wales, and the other Royal Perſonages, who deſired their names to be omitted in the commiſſion, that the Motion ſhould ſtand as it was originally moved, and that they ſhould annex a note that his Royal Highneſs the Duke of York, being preſent when the ſaid Motion was made, and expreſſing a deſire that his name and that of his Royal Highneſs the Prince of Wales be omitted, and his Royal Highneſs the Duke of Cumberland, being alſo preſent, and having expreſſed a deſire that his name and that of his Royal Brother the Duke of Glouceſter be omitted, leave was given to omit the ſame accordingly.

accordingly. This propoſition his Lordſhip conceived would obviate all poſſible appearance of diſrepect to the Prince of Wales, or either of the Royal Dukes.

Lord Radnor's ſuggeſtion gave riſe to a ſhort converſation, in which the Duke of York expreſſed his concurrence with the noble Earl's propoſed Amendment, and declared, that although he had no direct authority from his brother, the Prince of Wales, to ſignify his deſire that his name might be omitted in the intended commiſſion, yet as his Royal Highneſs and he had entertained one and the ſame opinion reſpecting all their proceedings in this buſineſs, and conſidered the whole of the ſyſtem adopted as unconſtitutional and illegal, he would take upon himſelf to anſwer for the Prince of Wales, and to declare that his Royal Highneſs would not wiſh to have his name inſerted in the Commiſſion. Duke of York.

At length it was ſettled that the motion ſhould ſtand as it did, and that when reported to the Houſe Lord Radnor ſhould then move his Amendment, that it might appear on the Journals that it was at the deſire of their Royal Highneſſes the Dukes of York and Cumberland, being preſent, that their names, and thoſe of the Prince of Wales and Duke of Glouceſter, were omitted in the Commiſſion.

Lord *Stormont* roſe juſt as Lord Walſingham was putting the queſtion, and declared it had not been his intention to have troubled their Lordſhips thus early in the debate; he ſaid he always roſe with diffidence, but he then deſired their Lordſhips attention under circumſtances of peculiar difficulty and embarraſſment, on account of the abſence of the two noble and learned Lords, whoſe abilities were at all times of the higheſt advantage to their Lordſhips, but whoſe profeſſional knowledge was upon a queſtion of that ſort peculiarly neceſſary. The noble and learned Lord had complained of delay; he begged to aſk the noble and learned Lord to whom they ought to aſcribe that delay? Let the noble and learned Lord prove why it was neceſſary to diſcuſs the Queſtion of Right before they proceeded to make a Regent? Had not that diſcuſſion been unneceſſarily intruded upon them, they might have made a Regent ſix weeks ago. With regard to the two commiſſions intended to be iſſued under the Great Seal, he had a ſtrong objection to both, but a much ſtronger to the ſecond than to the firſt. The ſecond he had Lord Stormont.

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the authority of the law of the land to pronounce *illegal*, and the firſt was clearly *informal;* not that he meant to rely much on the informality of the commiſſion now propoſed; it certainly was not a ſtrong ground of objection, becauſe it muſt be admitted that no mode of opening the Parliament could be adopted that was perfectly free from that objection. The noble and learned Lord had, he obſerved, ſtated the 33d of Henry the Eighth to be merely an *affirmative* ſtatute. Let the noble and learned Lord recollect a ſubſequent Act of Parliament that had paſſed in the firſt year of Philip and Mary, the object of which was to take off the attainder attempted to be paſſed in the laſt year of the late King on the Duke of Norfolk, and which declared the act authoriſing that attainder to be of none effect. His Lordſhip produced what, he ſaid, he conſidered as an authentic manuſcript copy of the ſtatute, for although it was to all intents and purpoſes a public act, it was moſt unaccountably not to be found among the printed ſtatutes. His Lordſhip read the enacting clauſe, and contended that it amounted to a direct contradiction to the noble and learned Lord's aſſertion, that the 33d of Henry the Eighth was merely an *affirmative* ſtatute. Having laid conſiderable ſtreſs on this authority, Lord Stormont adverted to the Commiſſion, which the noble and learned Lord had informed them was hereafter to be iſſued, and which was, he ſaid, neither more or leſs than an attempt to make an Act of Parliament by the two Houſes, through the means of the fiction, and without the actual exerciſe of the Royal Prerogative. He would aſk the noble and learned Lord whether, *pro hac vice*, the negative of the Crown, that eſſential barrier of regal authority, was not to be ſuſpended? The noble and learned Lord muſt anſwer in the affirmative, becauſe the commiſſioners had no power to diſſent from the Bill propoſed. He adverted to the ſpeech of the Lord Chancellor on a former occaſion, and ſaid, it was an encomium by anticipation, a kind of funeral oration on the departing prerogatives of the Crown. The plain fact was, that by the ſecond Commiſſion intended to be iſſued, the two Houſes aſſumed the legiſlative authority into their own hands, in defiance of the ſtatute of Henry the Eighth, and in defiance of the known principles of the Conſtitution. It had, he obſerved, been aſſerted, that neceſſity warranted that mode of proceeding, and that what the neceſſity of the caſe required, neceſſity juſtified.

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He ſubſcribed fully to that doctrine, but he denied its application in the preſent inſtance, becauſe there were other modes of proceeding that might have been reſorted to, leſs objectionable, leſs dangerous, leſs unconſtitutional. Was there not a mode within their reach conſiſtent with all the limitations? What prevented them from adopting this mode:—to addreſs the Prince of Wales to take upon him the exerciſe of the whole legiſlative authority of the Crown? His Lordſhip reaſoned on this propoſition, and urged its expediency and its ſafety, repelling every ſuſpicion that the Prince would not have ſanctioned a Bill containing the limitations and reſtrictions, by aſking if it were poſſible to imagine his Royal Highneſs to have been ſo ill adviſed as to refuſe his aſſent to a Bill, without the paſſing of which he could not have been Regent? It was, he ſaid, an unmanly proceeding to aſſume the power of the Crown while it lay proſtrate at their feet. Let the Committee recollect that when they were called upon to ſtrike at the legal conſtitutional right of the Crown, the Crown was utterly incapable of defence. His Lordſhip declared that the proceedings of the two Houſes had tended more, within the laſt three months, to introduce and ſanction Republican principles, than they had ever done ſince he was in the political world. He ſaid he railed not at Republican principles; he knew a Republic was beautiful in theory, but in the nature of things impracticable with the practice of our Conſtitution; he was not, however, ſo ignorant of what paſſed in his own country, and in other parts of the world, but that he could ſee Republican principles made a greater progeſs than ever. A Philoſopher, he obſerved, had exiſted, who ſtated it to be a misfortune that Engliſhmen were accuſtomed in their early years to claſſical ſtudies, which were ſuppoſed to ſtrengthen youth, to benefit our maturer, and to ſolace and ſupport our declining age, and that ſuch a mode of education prevailed in this country, becauſe, ſaid the Philoſopher, it gave the young men of England too early a love for Republican principles, and too ſtrong an idea of the independence of man. The ſyſtem of Britiſh education, his Lordſhip ſaid, certainly produced the effect complained of by the Philoſopher in queſtion. His Lordſhip argued upon this collaterally, and after adding ſome farther reaſons why he ſhould ſtrenuouſly oppoſe the ſecond Reſolution,

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whenever it ſhould be brought forward, ſaid he ſhould certainly vote againſt the Motion.

Lord Hawkeſbury.

Lord *Hawkeſbury* began with lamenting the abſence of the two noble and learned Lords, which had it not happened, would, he ſaid, have ſaved their Lordſhips the trouble of hearing him upon a queſtion, which was not only of moſt ſerious importance, but he might ſay of great legal nicety. The noble Viſcount and other noble Lords had complained of the delay that had occurred in the courſe of their proceedings; that delay undoubtedly would not have taken place, had not the queſtion of Right been ſtarted, which was no ſooner ſtarted, than it became abſolutely neceſſary for the two Houſes to diſcuſs and decide upon it. The noble Viſcount, he obſerved, had talked much of Republican principles, and aſked whether ſtudying the authors of Greece and Rome did not incline the youth of this country too much towards thoſe principles? He wiſhed the youth of Great Britain to ſtudy the conſtitution of every other country, that they might learn the defects of each, and by that means be the better enabled to judge of and admire the beauties and benefits of their own Conſtitution. The meaſure now propoſed was, his Lordſhip ſaid, governed by the neceſſity of the caſe, and ſo it ought to be, but ſure he was, that it did not exceed it. Neceſſity, he was aware, was generally deemed the Tyrant's plea, but that was a pretended, not a real neceſſity. He declared he knew not where to reſort to, to find a caſe like the preſent, or to learn, from what already happened, what were the ſteps that ought now to be taken. From the books of Mr. Juſtice Forteſcue, and Mr. Juſtice Blackſtone, he knew that the name of a Regent, the power of a Regent, and every idea of limitation and reſtriction, were wholly unknown to the common law of this country. When he turned to the Revolution, which had, in the courſe of the debates, been quoted as a caſe ſomewhat in point, he ſaw there was no analogy between that caſe and the preſent; the two Houſes of Convention had at that time reſolved to addreſs the Prince of Orange to take upon him the Sovereign Authority on a principle of neceſſity. The Throne had then been vacant, the King's political capacity was gone, all the functions of Government, in every point of view whatſoever, were at an end; the Judges could not ſit, the Magiſtrates could not act; there was no one principle of Government

vernment alive at the time. At preſent the caſe was far different. The Throne was full, the courts in Weſtminſter Hall had ſat, and the Judges had adminiſtred the law for the whole of one term and for great part of another. With regard to the objections to the preſent propoſal, as a means of opening Parliament, let the Committee recollect that there was nothing for law to operate upon but a mere form, and if they held the doctrine that had been advanced that day, they muſt remain where they were, without being able to proceed to any one act of Legiſlature whatever. His Lordſhip alluded to the doubt that had been ſeriouſly entertained in the reign of Henry the Sixth, whether Henry the Fifth could make a will, and thereby appoint his ſucceſſors to different parts of his dominions. His Lordſhip reaſoned upon that fact, and then reverted to our own hiſtory, declaring that he could trace two memorable inſtances, in which Commiſſions were held, and Acts paſſed, without the Royal ſignature, and thoſe were the inſtances referred to by the noble and learned Lord, who opened the debate, and which happened in the reign of George the Second. His Lordſhip explained the principles on which Lord Hardwicke had put the Great Seal to thoſe Commiſſions, to guard againſt the danger of the King's death.

Earl of Carliſle.

The Earl of *Carliſle* declared, it had not been his intention to have troubled their Lordſhips that day, but what had fallen from the noble Lord who ſpoke laſt, made it neceſſary. His Lordſhip ſaid, the noble Lord had deſired them to recollect that the delay complained of on all ſides the Houſe, had been occaſioned by the Queſtion of Right having been agitated. He declared he would not ſuffer ſuch an aſſertion to paſs without deſiring their Lordſhips to recollect who it was that ſtarted that Queſtion in the moſt unprovoked manner. Let them read the declaration of his Royal Highneſs on that point, which proved the diſcuſſion of that Queſtion to have been wholly unneceſſary. With regard to the early part of the reign of Henry the Sixth, the noble Lord had not more reſpect for that period than he had, but let their Lordſhips recollect that the Biſhop of Durham, at that time Lord Chancellor, reſigned the Seal into the hands of the infant King, and that the great men of that day, directed the Maſter of the Rolls to put the Great Seal to various Commiſſions, and that one ſingle perſon was appointed to hold the Parliament, viz. the Duke of Glouceſter, who was the

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neareſt a-kin of any perſon in the realm to the King; by the ſame mode of argument, the Earl contended, that the Prince of Wales was the perſon now to be appointed to exerciſe the Royal Authority. His Lordſhip remonſtrated againſt the mean, cowardly ſyſtem then propoſed, of attacking the Crown when it was defenceleſs, of maiming and mutilating the Prerogatives of his Majeſty, and cutting off the hairs of his ſtrength while his head lay in their lap. He ſaid, ſuch a plan could only be founded in a low ſuſpicion, that if the Prince of Wales were appointed Regent, he would not give his aſſent to the Bill of Limitations and Reſtrictions, propoſed by the two Houſes; an apprehenſion which no man dared avow.

Lord Hawkeſbury.

Lord *Hawkesbury* explained that the Duke of Glouceſter had been named Protector in the reign of Henry the Sixth, by the Parliament, and by a Commiſſion to which the Great Seal was affixed by their authority, and not by that of any other power.

Lord Oſborne.

Lord *Osborne* (Marquis of Carmarthen) ſaid the noble Earl ſeemed to have ſtated, that the Queſtion proper to be adopted was, whether it was not more adviſeable to appoint one perſon to open the Parliament, than to name Commiſſioners for the purpoſe; if he could gueſs from a circumſtance that had occurred in the debate that day, the difficuly would not have been diminiſhed. His Lordſhip ſpoke of the Princes of the Blood, in terms of great reſpect and affection, and ſaid, no man was more ready than he was to declare, that he had not the moſt diſtant ſuſpicion, that if his Royal Highneſs the Prince of Wales were in the firſt inſtance declared Regent, that his Royal Highneſs would not refuſe his aſſent to a Bill of Limitations and Reſtrictions on his Regency, but he could not conſent that, in a queſtion of that kind, the Houſe ought to be governed by perſonal confidence, becauſe, if that were the caſe, the great barriers of the Conſtitution might one day be thrown down in compliment to the perſonal virtues of an individual. Some of the harſher arguments of noble Lords who had ſpoken againſt the queſtion (for ſeveral of whom the Marquis declared he entertained great private friendſhip, and very ſincere regard), he attributed rather to the accidental heat of debate, than conſidered as the ſerious reſult of their ſober judgments. His Lordſhip obſerved, that he and his colleagues had been accuſed of favouring Republican principles, and of curtailing the prerogatives of the Crown, in a moment

moment when the Crown was defenceleſs, and thus taking advantage of the King's incapacity. Thoſe noble Lords who held this doctrine, talked as if the Throne was vacant as at the time of the Revolution; a diſtinction which the noble Lord, who ſpoke laſt, had very clearly, and in his mind unanſwerably pointed out. His Lordſhip added other ſenſible and pertinent remarks, paying ſeveral compliments to the Houſe of Brunſwick, but declaring, that no private predelection ought in his mind to be ſuffered to have any influence in a diſcuſſion on a great conſtitutional queſtion.

Earl of Carliſle.

The Earl of *Carliſle* took notice of what Lord Oſborne had dropped relative to the Duke of York, and the Duke of Cumberland, having deſired their names, and that of his Royal Highneſs the Prince of Wales, and the Duke of Glouceſter, to be ſtruck out of the Commiſſion, a proceeding which he contended *was* in every point of view juſtifiable. His Lordſhip alſo diſdained the idea of the Prince of Wales deſiring that Houſe to pay any compliment to him on the principle of perſonal confidence.

Earl Fitzwilliam.

Earl *Fitzwilliam* made a ſpeech againſt the motion, obſerving that the two Houſes being reſolved, that it was their right and duty to ſupply the defect of the Royal Authority, and that they immediately followed it by reſolving, that the defect could not be ſupplied otherwiſe than by an authority of an Act of Parliament.

The Queſtion was then put, and carried without a diviſion.

It was next moved, that the Reſolution be immediately reported to the Houſe, which was done as ſoon as the Houſe was reſumed, and the Houſe agreed to the Reſolution.

Lord *Radnor* moved his Amendment, which was alſo voted.

The blank in the Commiſſion was then filled with the words "Tueſday the 3d of February," and the Houſe having reſolved, that a conference be deſired with the Commons on Monday, and the ſaid Reſolution reported to them, and their concurrence deſired, the Houſe roſe, it being *half after* Eight o'clock, and adjourned to the next day.

Monday, February 9.

Lord Dover ſaid he had a Petition in his hand from Warren Haſtings, Eſq. which he preſented, and deſired it might be read by the Clerk.

To the Right Honourable the Lords Spiritual and Temporal in Parliament aſſembled.

The Humble PETITION of WARREN HASTINGS, Eſq. late Governor General of Fort William, in Bengal.

Sheweth,

THAT your Petitioner was permitted by the Hon. Houſe of Commons to appear before their Bar on the 24th of April, 1786, to anſwer to certain Charges which had been preferred againſt him in that Honourable Houſe. That your Petitioner, on the 14th of May, 1787, was impeached by the Honourable Houſe of Commons of Great Britain, at the Bar of your Lordſhips Houſe, of High Crimes and Miſdemeanours—That your Lordſhips were pleaſed to grant your Petitioner a Copy of the Articles of Impeachment, with leave to anſwer the ſame—That on the 25th of November, 1787, in the following Seſſions of Parliament, your Petitioner, according to your Lordſhips order, did deliver in his Anſwer to the ſaid Articles, and the 13th of February, 1788, was appointed for the commencement of his Trial, and it was accordingly commenced and continued by various adjournments, to the 15th of June of the ſame year.—That your Petitioner conceived an abundant conſolation when he ſaw himſelf brought before a Court, which was held in univerſal eſtimation the moſt juſt, as it was the moſt reſpectable, from the high titles and dignities, and the noble characters of the members compoſing it: and impreſſed at this time in an equal degree with the ſame ſentiments, and aſſuring himſelf, that your Lordſhips will favourably receive any repreſentation which he may conceive himſelf under the neceſſity of making to your Lordſhips, of the hardſhips which he has ſuſtained, and may yet have cauſe to apprehend, from the peculiar circumſtances of the preſent Trial, he humbly preſumes in this ſtage of it to ſtate the ſame to your

your Lordſhips, and to pray for ſuch redreſs and relief in the future proceſs of it, as your Lordſhips wiſdom may be able to deviſe, and your juſtice preſcribe.

And your Petitioner humbly begs leave to obſerve, that one year has elapſed ſince the commencement of his trial; and in that interval ſeven noble Lords, his Judges, have yielded to the courſe of nature; ſome of the perſons, whoſe evidence was required for his defence, have returned to their duty in India, and many of thoſe who remain are detained to the injury of their fortunes and proſpects, and to ſome loſs of the ſervice to which they belong. That you Petitioner poſſeſſes no means of indemnifying them for their detention, nor does he preſume to eſtimate his own rights at ſo high a price, as to exact from any man, that he ſhould devote the prime ſeaſon of his life to inaction. That of ſuch of the Witneſſes whoſe conveniences may permit it, or whoſe inclinations may prompt them to remain, many muſt, by death or the variable accidents of life, be taken from him before the time of his defence. That his health, which a long reſidence in an ungenial climate had impaired, has been precluded from receiving the only remedy which a foreign air could afford for its reſtoration, and the only palliative which a ſtate of eaſe could afford it at home: his fortune waſted in the expences unavoidably incident to ſo heavy a proſecution, and his perſon thruſt out from its place in common ſociety; with other ſufferings which, though moſt ſenſibly felt by him, may not be ſpecified in an addreſs to your Lordſhips.

And your Petitioner begs leave humbly to obſerve to your Lordſhips, that although the Proſecution has yet been cloſed upon two Articles only of his Impeachment, twenty Articles were preferred againſt him by the Hon. Houſe of Commons; that theſe compriſed in effect all the material tranſactions, civil, political, military revenue, and financial, of a Government of thirteen years; that a conſiderable portion of this time was a period of great difficulty, danger and embarraſſment, to every dependency of the Britiſh Empire, and now particularly to the extenſive territories which were under the actual Government of your Petitioner, or which depended upon its exertions for ſubſiſtence and relief; that your Petitioner was therefore under the neceſſity, through his Counſel and Solicitors, of collecting and collating from the volu-

minous Records of the Eaſt India Company, the whole hiſtory of his public life, in order to form a complete defence to every allegation which the Hon. Houſe of Commons has preferred againſt him; for your Petitioner had not when your Lordſhips were pleaſed to grant him a copy of the Articles, neither has he now, any means of knowing whether any or what Articles, if any, were meant to be abandoned by the Hon. Houſe of Commons. That it was not poſſible for your Petitioner to be prepared with the neceſſary materials for ſuch a defence; without incurring a very heavy and intollerable expence, the ſums which have been actually paid, and for which your Petitioner ſtands indebted, amounting, according to the moſt accurate eſtimate which he could procure from the beſt authority, to upwards of thirty thouſand pounds. That this is a ſubject of great and ſerious alarm to your Petitioner, who in the indefinite proſpect before him ſees himſelf in danger of wanting the means of defence and even of ſubſiſtence, ſhould his life, which is not probable, be continued to the cloſe of a Trial, in which ſo ſmall a progreſs has yet been made, unleſs your Lordſhips wiſdom ſhall enable you to afford your Petitioner that relief which he humbly ſolicits, and confidently hopes to receive. That your Petitioner, with all ſincerity of heart, craves leave to aſſure your Lordſhips, that he does not preſume to ſtate his ſenſe of the hardſhips to which he has been, and is ſubjected by the paſt events of the Trial, as matters of complaint, being fully perſuaded that they were unavoidably incident to the peculiar nature of ſuch a Trial, and to the peculiar character and circumſtances of the Charge which was the ſubject of it. That he has ſtated them with no other motive or view than to obtain from your Lordſhips a deliverance from the dreadful chance of his character being tranſmitted on the Records of your Lordſhips high and auguſt Court, blaſted with unrefuted criminations, and an acceleration of the time in which he may be enabled to make his innocence, his integrity, and (may he be permitted in all humility to add) his deſerts apparent to your Lordſhips.

Your Petitioner therefore moſt humbly prays, that your Lordſhips will be pleaſed to order that the Trial may proceed according to your Lordſhips order upon the laſt adjournment,

journment, and that it may be continued to its close, (if it be possible) without interruption.

WARREN HASTINGS,

London, Feb. 9, 1789.

The Lord *Chancellor* observed, that as the House was thin, and as their Lordships were not generally informed that such a Petition was to be presented, he would merely move for the present, that it should lie upon the table, in order to be taken into consideration on a future day, when there might be a full attendance. He would further move, that the Trial should be adjourned to Monday, not meaning however that they could proceed on that day. Their Lordships would recollect, that in the last year they had adjourned the Trial during the term the Judges were upon their Circuits; but whether the same mode should be observed at present, would be an object for their Lordship's determination, when they take the Petition into consideration. Lord Chancellor

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Monday, February 16.

REGENCY BILL.

As soon as prayers were over, and the Lord Chancellor had taken his seat on the Woolsack, Lord *Sydney* moved, that the Bill, intitled, "An Act to provide for the care of his Majesty's Royal "Person, and for the Administration of the Royal Authority "during the continuance of his Majesty's illness," be read a second time. The Bill was read accordingly for the second time, and on the question being put, "that this Bill be committed,"

The Duke of *Grafton* said, he felt himself in an aukward situation, rising then for the first time to speak to a Bill, of so much critical importance, the chief parts of the ground-work of which had undergone so large a discussion in both Houses of Parliament, that many of their Lordships had delivered their sentiments upon the subject, and perhaps most of them had sanctioned those sentiments by their Votes; but anxious as he felt Duke of Grafton.

to avoid miſrepreſentation, when the propenſity to miſrepreſent was ſo powerful, he might almoſt ſay ſo irreſiſtible, that even what appeared to him to have originated in the beſt and pureſt motives, had been in a moſt extraordinary manner imputed to the worſt and the moſt ſiniſter; and fearful as he was, leſt it ſhould not be thought the whole of the ſyſtem of meaſures that had been purſued in the difficult and ſingular ſituation in which the nation had found itſelf involved, in conſequence of his Majeſty's unfortunate illneſs, had his entire and hearty concurrence, he could not reſiſt ſeizing upon that ſingle opportunity of doing that, which he had been again and again prevented from, by repeated fits of illneſs, viz. delivering his ſentiments on the principle of the Bill then under conſideration. Accuſtomed as he had been for many years back, to trouble their Lordſhips on almoſt every ſubject that came before them, he would not, his Grace ſaid, waſte the time of the Houſe by expatiating on the poſſibility of his being deprived of the power of attending the future diſcuſſions of the Bill, by returning illneſs, and he would promiſe them that he would not treſpaſs on their patience by going improperly into any argument reſpecting particular Clauſes, that might occaſion preſent debate, when they ought more fitly to be reſerved for future diſcuſſion. He meant merely in a general way to ſtate his ſentiments, not of parts of the Bill, but of the whole of the ſyſtem of meaſures that had been adopted, declaring, that he heartily approved of it, as in his judgment moſt conſonant with the true principles of the Conſtitution. It had been extremely proper, in his Grace's opinion, for Parliament to have thoſe precedents in view, which had been collected, and ſubmitted to their conſideration, though perhaps they were choſen from times, not preciſely ſuch as ought to be made the ground of immediate proceeding under the calamitous circumſtances of the moment. In fact, the meaſures that had been judiciouſly ſelected and adhered to with ſo much perſeverance, but at the ſame time with ſo much firmneſs, till they had been reduced into the regular form of a Bill, ſeemed to him to be wiſely adapted to ſupply the *temporary* defect in the form of our Government, and to be ſuch as the remaining three Eſtates, conſiſting of the Nobility, Clergy, and Commons of England (ſpeaking by their proper voice, that of the Repreſentatives of the People), could beſt take to provide for the deficiency of the

fourth

fourth Eſtate, and ſuch as they owed the Sovereign, and to the regard that was due from them to the intereſt of every ſubject of the kingdom, different meaſures, he was ſatisfied, could not have been followed, without injuſtice to the Sovereign, and danger to the country. There was one point, his Grace ſaid, to which though he meant not to go into any diſcuſſion, he would juſt ſay a word or two; and that was, the Clauſe that declared that nothing contained in the Bill, ſhould be conſtrued to extend to empower the Regent, in the name and on the behalf of his Majeſty, to give the Royal Aſſent to any Bill for repealing the Act of Uniformity, or the Act of the fifth of Queen Anne, paſſed at the time of the Union, for ſecuring the Preſbyterian Church Government of Scotland. The Duke deſired, that by giving his approbation to the Bill, he might not be conſidered as declaring his opinion that the Act of Uniformity was infallible, or that it ought not at any future period to be rendered a ſubject of diſcuſſion and re-conſideration. The original framers of the Act of Uniformity, he was perſuaded, by no means intended it to be ſo regarded; but being actuated by the beſt motives, deſigned to frame the Act on the wiſeſt principles, and being conſcious of having done ſo, had thought it could not too often be brought under diſcuſſion. His Grace ſaid, the Diſſenters, he was convinced, deſerved every reaſonable conſideration on the part of the Legiſlature, and were entitled to every degree of candour and liberality, that ſhould be found conſiſtent with true policy. He repeated it, therefore, to be his firm opinion, that the door ought not to be ſhut at all future diſcuſſion of the Act of Uniformity, and that however it might be deemed proper to give place to the Clauſe reſpecting that Act, that made a part of the preſent Bill, it might not go forth to the public as a final deciſion of Parliament upon the ſubject. He could eaſily conceive, that it had been difficult to decide under circumſtances ſo new and ſo embarraſſing, upon what was the proper and moſt conſtitutional mode of proceeding, and therefore, his Grace ſaid, he gave thoſe who differed in opinion upon the ſubject, and oppoſed the Reſolutions on which the Bill then before them was founded, full credit for having objected upon principles perfectly honourable and pure; he truſted, however, that thoſe to whom he alluded would have the candour to give him the ſame degree of credit that he was willing to allow them, and to believe that his

motives were equally ſincere and free from queſtion. His Grace concluded with declaring, that he would not have troubled their Lordſhips in that ſtage of the Bill, had he not feared that giving a ſilent vote upon it, might cauſe him to be miſrepreſented, and that it might be conceived he was luke-warm on a ſubject on which he was moſt warm, and which, both in principle and application, he very ſincerely approved.

Lord South-ampton.

Lord *Southampton* ſaid, he was extremely embarraſſed in riſing to differ with the noble Duke, and the more ſo, when he found himſelf obliged to differ with him on the principles of the Conſtitution. He had long, his Lordſhip ſaid, been accuſtomed to bow with reverence to the political ſyſtem of the noble Duke, and from a conſciouſneſs of his ſuperior knowledge and ability, to make the noble Duke's ſentiments on public affairs his own political creed; but on the preſent occaſion, ſo far from thinking with the noble Duke, that the meaſures that had been purſued, and which had been rendered the ground work of the Bill, were conſonant to the true principles of the Conſtitution, he conſidered them as the moſt *nefarious* meaſures, the moſt unconſtitutional, and the moſt dangerous that had ever been adopted. He felt like the noble Duke, as a warm friend to his country, a warm friend to his Sovereign, a warm friend to his Royal Progeny, and a warm friend to every thing that ought to be held ſacred in the Conſtitution, and he would appeal to the noble Duke's candour, whether if he were Miniſter, to carry on a Government under ſuch reſtrictions as the Bill impoſed on the Regent, he could pretend to conduct a Government ſo as to render it beneficial to the people, or advantageous to the intereſts of the Empire. He declared he had ever acknowledged with gratitude the ſalutary effects of the noble Duke's Adminiſtration, and the public had concurred in beſtowing their cordial applauſe on no one meaſure of that Adminiſtration in a greater degree, than the reſtraining the Eaſt India Company in reſpect to their dividends. That wholeſome meaſure had proved the ſalvation of the Company, and in conſequence, of moſt eſſential ſervice to the intereſts of the public in general. Would the noble Duke undertake to ſay, that acting as a Miniſter under the Reſtrictions of the Bill then under conſideration, it would have been poſſible for him to have carried the ſalutary meaſure to which he had alluded into effect? The noble Duke well knew,

knew, that the great cauſe of his leaving office, had been his having found by experience, that the power of the Crown was not ſufficient to enable him to carry on a Government of efficacy and of vigour; how then could it be expected that the Regent ſhould be able to carry on ſuch a Government with mutilated and diminiſhed powers? His Lordſhip ſaid, he ſpoke not under the influences of party prejudices; he felt no prejudices in favour of this or that particular man; whoever governed the country beſt, and moſt advantageouſly for the people, was the Miniſter under whoſe banners he was ready to enliſt, but as he could not think of the meaſures, that had been purſued, as the noble Duke did, ſorry as he was to differ from him in political opinion, he felt it his duty to do ſo on the preſent occaſion; in friendſhip he hoped he never ſhould differ with the noble Duke, but that they ſhould continue to live in the ſame uniſon and harmony, that had conſtituted for ſo many years the chief happineſs of his life.

Tueſday, February 17.

REGENCY BILL.

The Order of the Day being read for the Houſe to reſolve itſelf into a Committee on the Bill, intitled, "An Act to provide for the "care of his Majeſty's Royal Perſon, and for the Adminiſtration of "the Royal Authority during the continuance of his Majeſty's "illneſs," The Lord Chancellor left the Woolſack, and Lord Walſingham went to the table as Chairman of the Committee.

The Committee proceeded to debate the ſeveral Clauſes, Clauſe by Clauſe.

Lord *Oſborne* (Marquis of Carmarthen) propoſed an Amendment in the firſt Clauſe, the object of which was, to inſert words, confining the delegation of Authority to the Prince of Wales to govern the kingdom, under the ſtile and title of Prince Regent, "to the period of the duration of his Majeſty's indiſpoſition, and until the iſſuing the Proclamation, declaring his Majeſty's reſumption of the perſonal exerciſe of the Royal Authority, as in manner herein-after provided."

This

This Amendment, after ſome converſation between his Lordſhip, Lord Portcheſter, Lord Radnor, and the Duke of Norfolk, was agreed to.

The ſeveral Clauſes following the firſt were agreed to without occaſioning any animadverſion.

When the Clauſe "reſtraining the Regent from giving the Royal "Aſſent to any Bill or Bills for repealing or changing the order of "Succeſſion to the Crown, as the ſame ſtands eſtabliſhed by the "Act of Settlement, or to any Act for repeating the Act of Uni-"formity, or the Act for ſecuring the Preſbyterian Church Govern-"ment of Scotland," was read, a good deal of converſation enſued.

The Duke of Norfolk and Lord Portcheſter contended, that reſtraining the Prince Regent from giving the Royal Aſſent to any Bill for repealing the Act of Settlement, was an unneceſſary reſtriction, as it was not to be imagined the Prince, as Regent, would injure his own intereſt as Heir Apparent to the Crown.

Earl Stanhope.

Earl *Stanhope* ſaid, their Lordſhips had come to the moſt important part of the Bill. Any perſon who looked into the Act of Parliament referred to in the clauſe, muſt, his Lordſhip ſaid, be of opinion that the clauſe was ill worded. In the firſt place, the Act of Charles the Second was not an Act of the 13th, but of the 13th and 14th of that reign. Next, in that Act there was a clauſe which re-enacted and confirmed all the Statutes that were replete with perſecutions of the moſt harſh and ſevere nature. He wiſhed, his Lordſhip ſaid, to qualify the wording of the clauſe, ſo as to leave the door open to diſcuſſion, and, if it ſhould hereafter be the ſenſe of Parliament, to a repeal not of the Act of Uniformity, but of all the perſecuting Statutes referred to by a clauſe in that Act; and he ſaid he had ſome authority for the Amendment that he ſhould move, the Hon. Gentleman who brought up the Bill, and delivered it at their Bar, and who had likewiſe brought it originally into the other Houſe of Parliament, having ſeemed to approve of ſuch an alteration. His Lordſhip here read the enacting Clauſe in the 13th and 14th Charles II. *cap.* 4.

[13 and 14 Ch. II. ch. 4. (called the Act of Uniformity) Sec. 24. The ſeveral *good* laws and ſtatutes of this realm, which have been formerly made, and are now in force, for the Uniformity of Prayer and Adminiſtration of Sacraments, ſhall ſtand and be *in full force and*

and ſtrength to *all intents and purpoſes*, for the *eſtabliſhing and confirming* the Book of Common Prayer annexed to this Act. *And* ſhall be applied, practiced, and put in uſe, for the *puniſhing of all offences* contrary to the *ſaid Laws*, with relation to the Book aforeſaid, and no other.]

They had, his Lordſhip ſaid, had many different Common Prayer Books at different periods, and the clauſe he had juſt read, re-enacted all the Acts referring to all thoſe different Common Prayer Books, and were many of them as ſcandalous Statutes as ever diſgraced a Statute Book; and were clearly paſſed in the days of darkneſs and ignorance by thoſe who had as little religion as humanity. Some of them contained rank blaſphemy, as he would convince their Lordſhips, by reading an abſtract from one of them. His Lordſhip read in this place the following abſtract:

2d and 3d Edward VI. cap. 1. recites, that the Archbiſhop of Canterbury, and certain Biſhops, and other learned men, had been appointed by the King's uncle, the Lord Protector, and other of his Highneſs's Council, to draw, and make one convenient and meet order, rite, and faſhion of common and open Prayer and Adminiſtration of the Sacraments to be had and uſed in his Majeſty's realms of England and Wales: the which at this time, *by the aid of the Holy Ghoſt*, with one uniform agreement is of them concluded, ſet forth, and delivered to his Highneſs, to his great comfort and quietneſs of mind, in a book intitled, "The Book of the Common "Prayer and Adminiſtration of the Sacraments and other Rites "and Ceremonies of the Church, after the Uſe of the Church of "England."

Sect. 2. enacts, That if any perſon or perſons whatſoever after the feaſt of Penticoſte then next coming, ſhall in any interludes, plays, ſongs, rhymes, or by *other* open *words*, *declare or ſpeak any thing in the derogation, depraving or deſpiſing of the ſame Book, or of any thing therein contained, or any part thereof*, ſhall (for the firſt offence forfeit ten pounds, for the ſecond offence twenty pounds, and for the third offence) *forfeit all his goods and chattels, and ſuffer impriſonment during his life.*

His Lordſhip commented on this declaration, that the Common Prayer Book referred to in the above abſtract, had been written *with the aſſiſtance of the Holy Ghoſt*, and then ſaid, that in the very ſame

ſame reign, by a ſubſequent ſtatute, a new Book of Common Prayer was ſet up, as appeared by

5th and 6th Edward VI. ch. 1. ſect. 5. (ſpeaking of the Book of Common Prayer, of 2d and 3d of Edw. VI.) Therefore, *as well* for the *more plain* and manifeſt *explanation* hereof (the ſame, obſerved his Lordſhip, being unintelligible), *as for* the *more perfection* of the ſaid order of common ſervice, in ſome places (though the ſame had been beſt eſtabliſhed by the Holy Ghoſt, as ſtated in the former Act of Parliament), where it is NECESSARY (not merely *expedient* and proper, but, from its abſurdity, *neceſſary*), to make the *ſame* prayers and faſhion of ſervice *more earneſt* and FIT to *ſtir* Chriſtian people to the true honouring of Almighty God (the book of the Holy Ghoſt being quite unfit for that purpoſe).

(Infamous blaſphemy!)

The King (with the aſſent of the Lords and Commons) has cauſed the Book of Common Prayer to be *explained, and made more fully perfect.*

Sect. 2. If any perſon ſhall *willingly hear* and be *preſent* at any other Manner or Form of Common Prayer, than *is ſet forth* in the ſaid Book (annexed to this preſent Statute) ſhall, for the firſt offence, ſuffer impriſonment for ſix months, without bail or mainprize; for the ſecond offence, impriſonment for one whole year; and for the third offence, impriſonment during his or their lives. (Even therefore if preſent when the Book of the Holy Ghoſt is read. How barefaced and infamous!)

His Lordſhip mentioned the various Statutes that were alluded to in the general Clauſe of Reference in the 13th and 14th of Charles II. ſec. 24. in the following order, commenting on them as he mentioned them.

The ſaid Acts (viz. 2d and 3d Edward VI. and 5th and 6th Edward VI.) repealed by 1ſt Mary, ſec. 2. chap. 2.

And 1ſt Elizabeth, chap. 2. ſec. 2. revives 5th and 6th Edward VI. as to *Book*, with alterations and additions. This, his Lordſhip obſerved, was the third Book.

Sect. 26. Enacts that the Queen, by advice of certain Commiſſioners of the Metropolitan, may ordain further rites and ceremonies.

Therefore

Therefore the order of the Common Prayer Books were, 1ſt, Holy Ghoſt, next Parliament, next the Queen and Archbiſhop of Canterbury.

Sect. 9, Depraving 3d Book. 100 Marks, Firſt Offence.

Sect. 10. Second Offence, 400 Marks.

Sect. 11. Third Offence, forfeiture of goods and chattels, and impriſonment for life.

Sect. 16. Church cenſure againſt perſons offending againſt this Act.

5th Elizabeth, chap. 23, ſpecifies the caſes in which an excommunicated perſon may be impriſoned, by means of the Writ *de Excommunicato Capiendo*.

Sect. 13. ſpecifies ſaid caſes as follows:

5th Eliz. ch. 23. "An Act for the due execution of the Writ "*de Excommunicato Capiendo*." Sect. 13. And that if the offender againſt whom any ſuch Writ of *Excommunicato Capiendo* ſhall be awarded, ſhall not in the ſame Writ of *Excommunicato Capiendo* have a ſufficient and lawful addition, according to the form of the Statute of *Primo* of Henry the Fifth, in caſes of certain ſuits, whereupon proceſs of *Exigent* are to be awarded: or if in the *Significavit* it be not contained that the excommunication doth proceed upon the ſame cauſe or contempt of ſome original matter of *Hereſy*, or refuſing to have his or their *child baptized*, or to receive the *Holy Communion* as it is now commonly uſed to be received in the Church of England, or to *come to Divine Service* now commonly uſed in the ſaid Church of England, or *error in matter of Religion or Doctrine* now uſed and received in the ſaid Church of England, *Incontinency*, *Uſury*, *Simony*, *Perjury* in the Eccleſiaſtical Court, or *Idolatry*; that then all and every pains and forfeitures limited againſt ſuch perſons excommunicated by this Satute, by reaſon of ſuch Writ of *Excommunicato Capiendo*, wanting ſufficient addition, or of ſuch *Significavit* wanting *all* the cauſes aforementioned, ſhall be utterly void in law; and by way of plea to be allowed to the party grieved.

1ſt Eliz. ch. 2. ſect. 14. Every perſon to go to Church every Sunday or Holy Day, or to forfeit twelve-pence.

23 Eliz. ch. 1. ſect. 5. Every perſon above ſixteen, not going to Church for a month, ſhall *forfeit for every month* 20l. and ſhall in twelve

twelve months *be bound* with two ſufficient ſureties in 200l. at leaſt, for his good behaviour.

Sect. 11. Impriſonment if he cannot pay.

35 Eliz. chap. 1. ſect. 1.

Perſon refuſing to go to *Church* to be *committed* till he *does* go.

(To chooſe between a Cathedral and a Priſon.)

Sect. 8. Keeping in one's houſe a recuſant, 10l. per month.

(Therefore for *each* ſervant, viſitor in the country, &c.)

3 James I. chap. 4. ſect. 11. (20l. enough for a man who cannot pay twenty ſhillings, ſufficient cruelty.) That the penalties may be raiſed, ſaid the Act, "in better proportion upon men of great "ability." It therefore enacts, that the King may refuſe the 20l. per month (incurred for not going to Church), though the ſame be *legally tendered*, and may take *two parts out of three* of all the *lands, tenements and hereditaments* of the ſaid vile offender.

Sect. 32 and 33. Having a recuſant in his houſe, forfeit 10l. per month.

Sect. 34. Humane Proviſo in favour of father and mother *wanting other habitation*.

(If they do not want other habitation, even father and mother are to be turned head and ſhoulders out of doors.)

Sect. 39. Eccleſiaſtical Juriſdictions reſerved againſt offenders againſt this Act.

13 and 14 Ch. II. chap. 4, ſect. 2. (4th Book of Common Prayer.)

Sect. 24. Applies all the *good* laws then in force for perſecution to the *new* Book.

29 Ch. II. chap. 9. An Act for taking away the Writ *de Hæretico* COMBURENDO (ſect. 1. Heretics not to be burnt to death): but in ſect. 2, Curious Proviſo.

1 W. and M. Stat. 1. ch. 18. Toleration Act confirmed by 10 Ann. ch. 2. extended by 19 G. III.

Theſe ſaid laws were not repealed, but were in force not as to *all* Diſſenters, but in force as to *all perſons of the Church of England*, and ſome claſſes of Diſſenters. He mentioned alſo the

27 Henry 6. Act for Pardoning *all* Prieſts "for all manner and "kind of felonies and rapes by them perpetrated."

His

His Lordſhip made a variety of pointed animadverſions in the progreſs of his mention of the ſeveral Statutes above referred to, and in particular ſtated, that paſſing Eccleſiaſtical Cenſure on perſons refuſing to go to Church, and puniſhing them for Idolatry, was directly contrary to Magna Charta. It might do for the clergy, but not for laymen. Magna Charta ſaid (9 Henry III. cap. 29) "No freeman ſhall be taken or impriſoned, or be diſſeized "of his freehold, or liberties, or free cuſtoms; or be outlawed or "exiled, or any otherwiſe deſtroyed, but by the *lawful judgment of* "*his Peers*, or by the *law of the land (vel per legem terræ).*" In the courſe of his ſpeech, his Lordſhip ſaid, he did not mean then to propoſe any thing reſpecting the abominable Acts of Parliament that he had referred to; but he had reſolved, at a future and more fit opportunity, to call their Lordſhips ſerious attention to the ſubject, having undergone the drudgery of going through the whole Statute Book, and found that there were no leſs than *three hundred* Acts in it upon Religion. He did not wiſh materially to alter the clauſe, he only deſired to leave the queſtion open. As the clauſe then ſtood, the Prince Regent might repeal Magna Charta, the Habeas Corpus Act, or Mr. Grenville's Act for trying controverted Elections, and the beſt and moſt uſeful Statutes ever paſſed, but he could not repeal the worſt, not even that moſt barefaced Statute of Henry VI. which forgave the Clergy all the felonies and *rapes* they had committed. That Act, he ſaid, was leſs infamous than ſeveral of thoſe which he had mentioned, becauſe it only pardoned the guilty; whereas thoſe, to which he had referred, puniſhed the innocent. His Lordſhip concluded with reading the opinions of Lord Chatham and Lord Mansfield (two of the greateſt men that had ever lived, though they were known to have acted on very oppoſite principles) on the ſubject of Toleration in matters of Religion.

The late Earl of Chatham's Speech in the Houſe of Lords on the Diſſenters Bill.

"The Reformation has *laid open the Scriptures to all*—let not the "Biſhops ſhut them again. Laws in ſupport of Eccleſiatic Power "are pleaded for, which it would *ſhock humanity* to execute. It is "ſaid that *religious ſects* have done great miſchief, when they were "*not kept* under ſtrict reſtraint. Hiſtory affords *no proof* that ſects "have

" have *ever* been miſchievous when they were *not oppreſſed and perſe-*
" *cuted* by the ruling church."

Lord Mansfield, in the Houſe of Lords, in the caſe of Allen Evans, as reported by Dr. Richard Burn, in his *Eccleſiaſtical Law*, title *Diſſenters*, " What bloodſhed and confuſion have been occaſioned
" from the reign of Henry the Fourth, when the firſt Penal Sta-
" tutes were enacted, down to the Revolution in the kingdom, by
" *laws made to force conſcience!* there is nothing certainly more un-
" reaſonable, more inconſiſtent with the *rights* of human nature,
" more contrary to the ſpirit and precepts of the *Chriſtian religion*,
" more iniquitous and unjuſt, more impolitic, than *perſecution*. It is
" againſt *natural religion*, againſt *revealed religion*, and found policy.
" Sad experience, and a large mind, taught that great man, the
" Preſident *de Thou*, this doctrine. Let any man read the many
" admirable things which (though a Papiſt) he hath *dared to ad-*
" *vance upon the ſubject*, in the dedication of his Hiſtory to Henry
" the Fourth of France, which I never read *without* rapture, and
" he will *be fully* convinced, not only how *cruel*, but how impolitic
" it is, to perſecute for *religious opinions*."

And the late Earl of Chatham, in a letter to the Rev. Dr. Price, ſays, " It is impoſſible to be writing to Dr. Price, without the
" mind going of itſelf, to that moſt intereſting of all objects to fal-
" lible man, *toleration*. Be aſſured, Sir, that on this *ſacred unalienable*
" *right* of nature, and bulwark of truth, my warm wiſhes will always
" keep pace with your own." His Lordſhip ended with moving an Amendment ſimilar in ſubſtance and effect to that moved in the Houſe of Commons, by Mr. William Smith, on the preceding Thurſday.

Earl Bathurſt.

Earl *Bathurſt* ſaid, he roſe merely to ſpeak to a Queſtion of Form. Whenever an Act of Parliament paſſed in a Seſſion, part of which Seſſion was held in the end of one year, and part of it in the beginning of the next year, unleſs the period of the commencement of the Act was otherwiſe ſpecially enacted in the Bill itſelf, the time of its operation always was from the beginning of the Seſſion, and therefore an Act that had paſſed in a Seſſion held in the thirteenth and fourteenth years of Charles the Second, was deſcribed with preciſion, when it was termed an Act of the *thirteenth* year of the reign of King Charles the Second.

Lord

Lord *Hawkesbury* ſaid, he held in his hand the Act of Union, which was generally deemed to be a Statute that had been drawn with more than an ordinary ſhare of accuracy, and in that Act the Act of Uniformity was expreſsly called an Act paſſed in the 13th year of the reign of Charles the Second. Lord Hawkeſbury.

Earl *Stanhope* ſaid, their Lordſhips would ſee that the Act of Uniformity was ſet down, as having paſſed in the 14th year of the reign of Charles the Second, in the Common Prayer Book on their Lordſhips table. And as to the idea that the Act of Uniformity had in various Statutes been termed erroneouſly an Act paſſed in the 13th year of Charles the Second, that was no reaſon, his Lordſhip ſaid, that the error ſhould be continued in every Act. Lord Stanhope.

The Archbiſhop of *Canterbury* ſaid, he roſe not to enter into any argument with the noble Earl, reſpecting the Statutes referred to in the enacting clauſe of the 13th of Charles the Second; much leſs was he diſpoſed to ſtand up the defender of thoſe Statutes. He conſidered their diſcuſſion, however proper hereafter, as wholly out of time at preſent, and was convinced, that the main ſubject of the Bill was of ſufficient magnitude to occupy the whole of their Lordſhips attention. He had, beſides, hoped to have perſuaded the noble Earl, that he had not examined the ſubject of the Act of Uniformity with the degree of accuracy that was due to a matter of ſuch moment, by ſhewing his Lordſhip before hand, that he had omitted to take notice of ſeveral points eſſential to be conſidered and remarked in a general view of that queſtion. His Grace proceeded to ſtate, that the ſeveral matters cognizable and puniſhable by the Statutes mentioned by the noble Earl, as thoſe referred to in the enacting clauſe of the Act for the Uniformity of public prayers, were applicable ſolely to the conduct of Miniſters of the Church of England, who having taken an oath to uphold and maintain the Book of Common Prayer, were declared puniſhable in the manner propoſed in thoſe Statutes, if they held doctrines derogatory of that Book of Common Prayer, which they had ſolemnly ſworn that they would uphold and maintain. With regard to the offences themſelves, the noble Earl, his Grace obſerved, had not contended that they ought not to be the ſubject of ſome reſtraint; but had only argued againſt the exceſs of the reſtraint, and the ſeverity of the puniſhment provided by the Statutes in queſtion; and upon this Archbiſhop of Canterbury.

principle, and no other, his Grace remarked, the noble Earl had objected to them all. With regard to the penalties on conviction of not going to Church, they had been repealed in favour of the Diſſenters by the Act of Toleration. After a few curſory, but pointed animadverſions on thoſe circumſtances and illuſtrations of the Queſtion of the Penalties &c. (to which eccleſiaſtics of the Church of England were liable by a variety of obſolete Statutes), that the noble Earl had omitted to take any notice of, his Grace concluded with declaring, that what his Lordſhip ſuggeſted, amounted, in his mind, to a pretty certain proof that the noble Earl had not given the ſubject due conſideration.

Earl Stanhope.

Earl *Stanhope* ſaid, every friend to tolerarion would be happy to hear the ſentiments of the Right Rev. Prelate. The reverend and learned Lord had, however, miſconceived his meaning; the object of his Amendment was, not to make any alteration then, but to leave the ſubject open to diſcuſſion, as it was a ſubject of too much magnitude to be concluded by a ſide wind, which was an idea that no man ought to countenance. The Rt. Rev. Prelate, his Lordſhip obſerved, had mentioned ſeveral things that he had omitted. He had omitted them, his Lordſhip declared, on purpoſe, becauſe he was not going to propoſe any thing reſpecting them at that time, but becauſe the Clauſe ought not to ſtand as it did. It might as well enact that the Regent ſhould not alter the *Habeas Corpus* Act. Who thought that he meant to do it? Or who thought that he was more likely to alter the Act of Settlement?

Biſhop of Saliſbury.

The Biſhop of *Saliſbury* ſaid, the noble Earl had declared, that he meant to bring the ſubject of thoſe Statutes that were referred to in the 13th of Charles the Second, under diſcuſſion; whenever he did ſo, his Lordſhip ſaid, he ſhould be glad to hear what the noble Earl had to ſay upon the ſubject. When the noble Earl had talked of the perſecuting ſpirit of thoſe Statutes, would not any one who heard his Lordſhip, have imagined that they were proſecuting upon thoſe Statutes with the utmoſt rigour? So far from it, thoſe Statutes had long been buried in oblivion, and in all probability would have remained ſo, had not the noble Earl choſen to have called them forth to their Lordſhips recollection. Let the noble Earl produce a ſingle inſtance in which any one of thoſe Statutes had been put in force for more than a century paſt! The moderation of the Church

Church of England was, his Lordſhip ſaid, her boaſt and her chief pride. With regard to the part of the Clauſe in the Bill which reſtrained the Regent from giving the Royal aſſent to any Bill or Bills, for the repeal of the Act of Settlement, and the Act for the Uniformity of Public Prayer, ſuch a reſtriction was, in his mind, equally wiſe and expedient, becauſe it ſhould be recollected, that the Regent having a delegated power, he ought to be reſtrained from doing that which no authority but that of the King upon the Throne ought to be able to effect. As he was then addreſſing the Committee, his Lordſhip ſaid, he would take the opportunity of declaring, that every vote he had given in the progreſs of the buſineſs then under their conſideration, was a vote ariſing out of cleareſt conviction of his mind, that the ſyſtem was a wiſe ſyſtem, founded in conſtitutional principles, and adapted to the exigency of the caſe with the utmoſt prudence and foreſight. He was, his Lordſhip thanked God, perfectly independent. The goodneſs of Providence, and the bounty of his Sovereign, had ſet him above the reach of party influence! He ſpoke, therefore, and acted in that Houſe, merely as his conſcience dictated; and ſo ſatisfied was he of the excellence of the meaſures that had been purſued, that he could not ſit down, without giving his thanks to the two great men who had piloted the veſſal of State through a ſtormy and turbulent ſea, with ſo much manly perſeverance and immoveable firmneſs, that the preſent age could not but look up to them with aſtoniſhment, nor was it poſſible for poſterity to conſider their conduct, without feeling an equal mixture of eſteem and admiration.

The Biſhop of *Glouceſter* followed the Biſhop of Saliſbury, and ſpoke with ſimilar expreſſions of feeling reſpecting the 13th of Charles the Second, and the penal Statutes referred to in the enacting clauſe of that Act, the objects of which, his Lordſhip remarked, went merely to enforce obedience to the rules and forms of the Church of England in the eccleſiaſtics of that Church. Biſhop of Glouceſter

Earl *Fitzwilliam* ſaid a few words in favour of Lord Stanhope's Amendment.

Earl Stanhope, however, conſented to let his Amendment be negatived, without urging the Committee to a diviſion, declaring he was ſatisfied with having brought the ſubject under their conſideration, and deſiring it to be remembered that no one of the

Rev. Prelates, who had ſpoken on the occaſion, had attempted to defend or juſtify the Statutes to which he had referred.

The Queſtion being put, and the Clauſe ordered to ſtand as it was in the Bill, the Committee proceeded, and the Reſidency, Marriage, and Peerage Clauſes, were ſeverally ordered to ſtand. The Queſtion was put on the laſt, but no diviſion had.

Lord *Radnor* moved as an Amendment to the next Proviſo, (that enabling the Regent to grant the rank of Peerage to ſuch of his Majeſty's Royal Iſſue as ſhould have attained the full age of twenty-one) to add, the words, " and ſhall be actually reſident in Great-Britain."

Lord Stormont. Lord *Stormont* ſaid, he hoped by the Amendment, it was not propoſed to reſtrain the Regent from granting a Peerage to any one of the Royal Family as ſhould be of full age, who might be employed abroad in a military capacity, in the public ſervice.

Lord Radnor. Lord *Radnor* ſaid, as ſoon as he returned into this country, he would be capable of taking it.

After ſome farther Converſation the Committee divided on the Amendment,—Contents 69. Not Contents 58.

The Amendment therefore was carried.

The Committee proceeded with the other Clauſes, and made ſeveral Amendments in the progreſs of the different Clauſes.

That reſpecting the Civil Liſt Revenues occaſioned a good deal of converſation between Lord *Stormont*, Lord *Hawkeſbury*, Earl *Fitzwilliam*, the Duke of *Richmond*, Lord *Portcheſter*, and Lord *Radnor*.

At length the Committee came to the Clauſe inveſting the Queen with the care of the King's Perſon, when Lord *Oſborne* moved to inſert, " and ſuch of the Royal Iſſue as have not attained the age of twenty-one," which was agreed to.

Lord *Rawdon* then roſe to offer another Amendment in the ſame Clauſe; but it being propoſed to report progreſs, and adjourn the Committee, it was agreed upon, and the Houſe roſe immediately afterwards.

Wedneſday,

Wedneſday, February 18.

REGENCY BILL.

As ſoon as the Order of the Day for reſuming the Committee had been read, and Lord Walſingham had taken his ſeat at the table,

Lord *Rawdon* roſe, and after ſtating to the Committee that the Clauſe giving her Majeſty full power over the King's Houſehold, was ſetting up an authority in direct oppoſition to that of the perſon holding the executive Government, reminded their Lordſhips, that they with whom he acted had objected to the Reſtriction on which that Clauſe was founded, when it had been firſt propoſed. That its object ſince had been explained, and that now they knew what that object was, their objections were ſubſtantiated. He recapitulated the three heads of argument, that had in former debates been advanced in ſupport of it. The keeping the Officers in their ſituations, ſeperate from the controul of the Regent, his Lordſhip contended, could not add any thing to the comfort and ſatisfaction of his Majeſty, in his preſent unhappy ſituation, while the depriving the Regent of the attendance of thoſe Officers was taking away from that ſtate and ſplendour of perſonal appearance that were ſo neceſſary to his dignity. His Lordſhip ſaid, he addreſſed not his argument to their Lordſhips, or to philoſophers; they knew that obedience was due to Government from thoſe who were governed, whether the perſon of the Governor was ſurrounded with ſplendour or not; but the multitude felt differently; with them it was neceſſary to work upon their prejudices, and to procure ſubordination and reſpect by the dazzling luſtre of appearances. It had been ſaid, that although the Houſehold was withheld from the Regent, yet a ſubſtitute was to be provided ſuitable to the rank and importance of his office, but he well knew the feelings of his Royal Highneſs upon that ſubject, and it was a matter of deep regret to him, that his taking upon himſelf the Government of the kingdom during his Majeſty's illneſs, was to throw a new weight upon the Nation. His Lordſhip contended, that this propoſition was erroneous in every point of view. During his Majeſty's illneſs the queſtion reſulted, would they have a Government or not?

Lord Rawdon.

not? The Bill ſaid, what the people felt, viz. that a Government was neceſſary, but how could a Government go on with the combination in the Bill, the proviſions of which had proceeded from a falſe but generous principle of attachment to the Sovereign? No part of it was in his mind more reprehenſible than the Clauſes reſpecting the Queen. They were going to give her Majeſty a power and government of money to an extent ſhe had never known before, and which of courſe was liable to great abuſe. The Prince, his Lordſhip ſaid, had an evident intereſt in the due management of the ſeveral concerns intruſted to the Queen, but her Majeſty had no intereſt whatever. His Lordſhip added a variety of other pertinent obſervations ſtated with great ingenuity, and at length concluded a very able ſpeech with moving to inſert after the words, "alſo the direction and government of" words to the following effect, "ſuch part of his Majeſty's Houſehold as ſhall be deemed neceſſary to attend on his Majeſty during his illneſs." His Lordſhip explained, that if this amendment ſhould be carried, he deſigned to follow it up, by moving *ſeriatim*, what Officers of the Houſehold he meant to place under her Majeſty's power and controul.

Earl Hopetoun.

The Earl of *Hopetoun* objected to the Amendment, and adduced a variety of arguments to ſhew, that it tended to introduce a new arrangement totally foreign from that which the Houſe had already diſcuſſed and argued, and ſuch as in all probability they would not be diſpoſed to make. His Lordſhip reminded them, that the whole Bill was founded on the principle that it was a temporary meaſure, calculated to anſwer a temporary purpoſe; whereas it was obvious, that the propoſed Amendment proceeded on a permanent principle. That his Majeſty's indiſpoſition was to continue long, the Earl ſaid, was neither conſonant to their Lordſhips feelings, nor to the feelings of the country. It was, in his mind, improper to ſeparate the Officers of the Houſehold, and divide them into claſſes. He had no objection to giving the Regent not only all the neceſſary authority for carrying on the Government, but all the ſplendour and brilliancy that the dignity of the high office of Regent required. They were to recollect, that they were putting the Prince's hand on the Chair of State, not placing his foot upon the Throne. It was ſaid, his Lordſhip obſerved, that what was given

to

to the Queen was taken from the Government. He denied the truth of the aſſertion, and contended that the idea of influence in either Houſe of Parliament attending the nomination of places in the Houſehold, was unparliamentary, and that the Government that depended on ſuch a petty and circumſcribed ſupport, as that paltry pittance of influence, muſt be a poor and miſerable Government indeed!

Earl of Radnor.

The Earl of *Radnor* ſaid, the noble Lord had not explained the whole extent of his Amendment, and till he heard what it was to lead to, and know its full extent, it was impoſſible for him to ſay, whether he could ſupport it or not.

Lord Rawdon.

Lord *Rawdon* ſaid, his object was to follow the Amendment, if carried, with motions *ſeriatim* ſeparating thoſe Officers, who could not exerciſe any preſent functions of their offices, from the controul and appointment of her Majeſty.

Earl of Radnor.

The Earl of *Radnor* ſaid, the noble Lord had not yet quite clearly explained himſelf, but he roſe to ſupport the principles which, he preſumed, the noble Lord approved. The noble Lord's Amendment did not entirely meet his ideas, and therefore he would explain what he meant; an explanation which he ſhould give without deſigning offence to any individual, and which offence, he thought, he could not give, as he went on the principles eſtabliſhed at the Revolution. His Lordſhip declared, he took the Clauſe to be neither more nor leſs, than conferring on the Queen a direct and notorious influence in both Houſes of Parliament. He had argued and voted againſt the famous India Bill of 1783, his Lordſhip ſaid, becauſe he conceived it to go to the creation of a powerful influence, which if united *with* the Crown would have made it too ſtrong, and if exerciſed *againſt* it, would have rendered it too weak. In ſpeaking of the preſent ſituation of affairs, his Lordſhip ſaid, he would uſe ſome plain, ſtrong words, but they ſhould be but few. If his Royal Highneſs the Prince of Wales was affectionate to his father, and acted wiſely, he would continue, as much as might be, the preſent meaſures and the preſent Miniſtry. That was the advice he would give him as a Counſellor; but ſpeaking as a Member of Parliament, if the Prince thought proper to exerciſe that diſcretion with which he would be conſtitutionally inveſted, and ſhould chooſe to change the Miniſtry, he would not be one to eſtabliſh a poſſibility of hampering his meaſures.

Lord Stormont. Lord *Stormont* roſe to ſay, that the Amendment was ſuch as he ſhould imagine the noble Earl could not oppoſe, becauſe it went to nothing ſpecifick, but only opened the door for farther amendments. His Lordſhip ſaid, he was anxious to procure the powerful ſupport of the noble Earl, who had ſpoken in as dignified and parliamentary a manner as he had ever heard.

Lord Radnor. Lord *Radnor* read a Clauſe, that he had drawn and meant to introduce, the object of which was among other proviſions to ſeparate the nomination and appointment of the noble Lords with white Staves (the Lord Chamberlain and Lord Steward) from the controul of the Queen, but to render them ſubſervient to her Majeſty's order.

Duke of Richmond The Duke of *Richmond* objected to Lord Rawdon's Amendment, becauſe the noble Lord had not explained the whole that it was intended to go to. His Grace contended, that if the Amendment were agreed to, they neceſſarily ought to move that the Great Officers of the Houſehold ſhould be removeable by the Regent. He reminded the Committee, that his Majeſty was to be conſidered as King of this country, notwithſtanding his preſent ſituation, and that it ought to be remembered that under the preſent Bill, the Prince of Wales was the ſon of the King acting as Regent, but not the King; a difference and a diſtinction which the Prince ought to feel in every ſtep he took. As Prince of Wales and Regent, he ought undoubtedly to have great ſplendour, but not the ſame as the King himſelf. His Grace ſaid, till he knew how the noble Lord, who ſpoke firſt, meant the Great Officers of the Houſehold ſhould be removed, he could not argue againſt his propoſition; but if the propoſition contained in the Clauſe juſt read by the noble Earl was ſubſtantially the ſame, one anſwer would do for both. If the controul were removed over thoſe offices, they removed the reſponſibility, and it was neceſſary that the reſponſibility ſhould remain.

Lord Rawdon. Lord *Rawdon* roſe again, (and after reminding the Committee that he had before ſtated that he ſhould, if the Amendment was carried, move *ſeriatim* what officers ſhould be under her Majeſty's controul, and what not,) ſaid the noble Earl had ſhewn him his Clauſe, which he thought would completely anſwer the object of what he had intended for his ſecond motion, and would obviate the charge of influence; he therefore would ſubſtitute the noble Earl's Clauſe,

Clauſe, as the ſubject of his intended Motion, if the Amendment ſhould be carried. His Lordſhip alluded to the poſſible conjuncture of affairs that might ariſe from the State of Europe to make negociations with foreign powers neceſſary, and put the caſe, that the influence of the Houſehold might be exerciſed adverſely to the exiſting Government, in the midſt of a proceeding deemed eſſential to the ſafety and ſecurity of the country, which, it might tend to check and prevent.

Duke of Richmond

The Duke of *Richmond* replied, and treated the idea of a parliamentary influence reſulting from the placing the Houſehold under the power and controul of the Queen as a matter too inſignificant to merit much notice. His Grace alluded to the two former Regency Bills, and contended, that the preſent Bill gave the Regent infinitely larger powers, than the Regent under either of the two former Bills would have poſſeſſed.

Lord Stormont.

Lord *Stormont* ſpoke for the Amendment. His Lordſhip ſaid, that ſo far from its appearing to him a paltry ſubject and not likely to cripple Government, he meant to go on the ground of its crippling Government moſt dangerouſly and fundamentally. In former Regency Bills, he ſaw the whole executive powers of Government given. It was not the attempt of men in thoſe times to curtail the authority of the Regent, becauſe they knew the whole powers of the Crown were neceſſary to carry on Government. It was ſaid, that in former Regency Bills, the power was divided between the Regent and a Council, but it was forgot, that *all the Princes of the Blood* were in that Council. Had the example of former Regency Bills been followed, he was free to ſay, he ſhould have oppoſed it, becauſe he thought thoſe Bills liable to ſtrong objection; but ſo far was he from giving the noble Duke and his Colleagues credit for not having followed the example before them, he thought, unwiſe and impolitic as thoſe Regency Bills had been, they were more wiſe and more politic than the preſent. When they inſtituted a weak Government, they knew not the extent of the miſchiefs that might enſue. His Lordſhip declared he did not fear any thing from open bold ambition, but he dreaded every thing from that dark mean ambition, which worked like a mole under ground, undermining all above it, and attempting by anticipation to weaken that Government in which it was not to have a ſhare, and to cripple

cripple what it dared not oppoſe. The patronage of the Houſhold, he ſaid, extended to all the offices, and was not leſs than one hundred thouſand pounds a year, which amounted to more than all the offices ſuppreſſed by the Bill of 1782. (Mr. Burke's Civil Liſt Reform Bill). It was an influence that was not trifling, but extending far and wide, and, as the promoters of it themſelves thought, of moſt pernicious conſequence. His Lordſhip reprobated the idea of appointing great Officers of the realm, who could be of no ſervice to the King whatever during his preſent ſituation, to be under the Queen's controul, becauſe her Majeſty was entruſted with the care of the King's perſon. He alluded to the Lord Chancellor's celebrated ſpeech a few weeks ſince, when the Reſolution, on which the Clauſe was founded, was under conſideration, and ſaid it was rather an addreſs to the Public than to that Houſe. Thoſe great Officers of the Houſehold, he ſaid, were Officers of State, annexed rather to the Kingly Office, than to the perſon of the King. Did any of thoſe Officers attend the King, except when he appeared in public the Repreſentative of Majeſty? It was, he ſaid, an extraordinary mode of keeping up the Majeſty of the Crown, by not ſuffering the Regent to have the State that cuſtomarily ſurrounded the Crown. What was the reaſon that the Lord Lieutenant of Ireland always appeared with ſo much ſplendour? It was to ſignify the greatneſs and majeſty of the King he repreſented! If the multitude were to ſee the Regent going to the Houſe in his father's ſtate coach, drawn by the cream-coloured horſes, they would cry, "There he goes in his father's coach, we hope we ſhall ſoon ſee the father himſelf there." The father's image would recall the memory of the father.

It was true, his Lordſhip ſaid, the Regent would make as great a figure as the King of Pruſſia, except on certain particular occaſions. But the caſes were not ſimilar. In Pruſſia, which which was a military government, the moſt captivating and politic appearance the Sovereign had to maintain was rather that of a camp than a court. The caſe was different with us; in a great manufacturing country like this, ſplendour and outſide ſhew were abſolutely neceſſary. Nor was it for the Prince that it was aſked; to him the ſituation of Regent was a ſituation of *painful pre-eminence* and *royal ſervitude;* the object was to have the ſplendor and oſtentation which pleaſed the multitude.

multitude. The Lord Steward and Lord Chamberlain, his Lordſhip ſaid, were great Officers of the realm (ſo defined in the ſtatute of precedence), always Members of the Privy Council, and conſtantly of that Select Council in which the King was to exerciſe the greateſt prerogative of the Crown, that of mercy! The office of the Lord Steward was as an office of juriſdiction. He had ever underſtood, his Lordſhip ſaid, the King was the fountain of office. The Bill made the Queen the fountain of office, and yet ſome noble Lords had ſaid it was conſtitutional. There was, his Lordſhip obſerved, an impetuoſity in the preſent Adminiſtration that bore down every barrier of the Conſtitution. He enumerated the various offices under the controul of the Lord Chamberlain, mentioning the Board of Works, the Jewel Office, &c. Even the Maſter of the Ceremonies, he ſaid, would be under the Queen, and therefore if the Regent had occaſion to receive a foreign Ambaſſador, he muſt ſend to her Majeſty and *borrow* Sir *Clement Cotterel* for the day! His Lordſhip added a great variety of arguments, and before he ſat down, obſerved, that it had been ſaid in another quarter, that the Queen could have no political views. Her Majeſty, he well knew, deſerved veneration, and he would ſay of her, what the Conſtitution directed them to ſay of the King, *that ſhe could do no wrong*, but her adviſers might, who had power without reſponſibility. Her Majeſty would have flatterers about her. Cabal and artifice would find their way into her houſe, ſince he knew of nothing in the air of Kew Palace that had the power to keep away the vermin that were always about a Court. His Lordſhip took notice of Lord Hopetoun's obſervation, that it muſt be a miſerable Adminiſtration indeed, that needed ſuch ſupports, as the patronage of the Houſehold could furniſh, and turned it into ridicule.

Lord *Hawkesbury* ſaid, all the powers given by former Regency Bills, where the Regent was to be hampered with a Council, in his mind, by no means enabled a Regent to ſet up ſo ſtrong a Government as he could do, under the preſent Bill, where he ſtood free and unfettered, excepting only by a few Reſtrictions. With regard to the opinion of a noble Lord (Lord Rawdon), that all Governments were nothing more than a combination of Precedents: in abſolute and deſpotic Governments, his Lordſhip ſaid, it was not always ſo, but in a free Government like ours, ſure he was the ſecurity of obedience,

Lord Hawkeſbury.

dience, and what enabled the few to govern the many, was the ſenſe the people entertained of their own power, exerciſed through the medium of their Repreſentatives in Parliament: and ſo the beſt writers on the Conſtitution had defined it. With regard to the queſtion of the Houſehold, unleſs their Lordſhips altered the whole ſyſtem of his Majeſty's family, they could not put the Houſehold on any other ſituation. The Houſehold, in fact was, under the operation of the Clauſe, to be the Houſehold of her Majeſty. It was to be carried on in the Houſe in which the Queen lived, and would their Lordſhips ſay, that the Queen ought not to have the controul over that Houſehold? His Lordſhip denied that the Lord Chamberlain and Lord Steward were mere Officers of State, never on duty, but when the King appeared in public as the Repreſentative of Majeſty. They had, he ſaid, many other eſſential duties. Had they forgot a noble Earl, Earl Talbot, who by his own management and œconomy reformed much of the Houſehold, and ſaved a conſiderable ſum to the nation? Beſides, by the Bill of 1782, the Lords of the Treaſury were expreſsly directed to iſſue no money for the payment of the Houſehold, but to the Lord Chamberlain and Lord Steward, or according to their warrants. To put thoſe officers, therefore, under any other perſon, would be wronging her Majeſty in her Houſehold. The whole amount of the Houſehold Offices, his Lordſhip ſaid, was about 100,000l. of which no more than 33,000l. related to Officers having ſeats in either Houſe of Parliament. Would the Country deny ſuch an additional expence, as 33,000l. for a ſhort time only, to ſupport the dignity of the Regent, rather than ſuffer his Majeſty to be ſtript of all his Houſehold Officers? Or was the Adminiſtration, that was to be, afraid of the operation of the influence ariſing from ſo paltry a ſum?

Earl Fauconberg.

Earl *Fauconberg* roſe to deprecate any ſuggeſtion that tended to call in queſtion the purity of her Majeſty's intentions, which he conceived to have been doubted by Lord Stormont. The Earl ſpoke of her Majeſty's character in terms of the moſt ardent zeal, and the moſt marked reſpect; and particularly expreſſed his aſtoniſhment, that ſuch a moment as the preſent, when her Majeſty's breaſt might well be ſuppoſed to be occupied by the moſt poignant and diſtreſsful feelings, ſhould be choſen for inſinuating, that her Majeſty could be capable of harbouring and countenancing a politi-

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cal faction, whoſe object, it had been ſaid, it would be to counteract and embarraſs her ſon's Government. What was there, his Lordſhip aſked, that could poſſibly be ſuppoſed to warp her Majeſty's amiable diſpoſition, and induce her to act in a manner, at once ſo unnatural and ſo inconſiſtent with her own conduct hitherto? It appeared to him to be a circumſtance ſo improbable, that he had heard it ſeriouſly ſtated with an equal mixture of regret and aſtoniſhment. His Lordſhip took notice of various arguments that had been urged to prove, that the Lords of the Bedchamber were capable of being bought. He declared, there was but one deſcription of Peers, who were fit to be Lords of the Bedchamber, againſt whom no ſuſpicion of the kind would lie, and that was the Roman Catholic Peers. He repelled the ſuſpicions ſuggeſted againſt the parliamentary independence of the various Officers of the Houſehold, and rejoiced in having had it in his power to ſupport the meaſures of one of the ableſt and beſt Miniſters that perhaps ever had been at the head of affairs. As proofs of the Miniſter's ability and wiſdom, he deſired the ſtate of our Manufactures and Commerce, the prices of Stocks, and the credit of the Country at home and abroad, to be conſidered. After expatiating upon theſe topics for ſome time, his Lordſhip concluded with repeating his warmeſt aſſurances to the Committee, that he well knew her Majeſty to be incapable of acting in the manner, in which it had been ſtated as poſſible for her to act, declaring, that he had long had the honour of being a witneſs to a conduct not only the moſt irreproachable, but the moſt praiſe-worthy that ever diſtinguiſhed a female, and that he ſhould therefore be ungrateful indeed, if he ſat ſilent, when her Majeſty's character was called in queſtion.

Lord *Stormont* in explanation ſaid, that he had ſpoken of her Majeſty in terms of the greateſt reſpect; he had ſaid, ſhe merited veneration, and that ſhe was incapable of doing wrong, but he had ſuppoſed ſhe might have had adviſers. There was an end of the freedom of debate, if that ſuppoſition might not be ſtated. His Lordſhip declared he had, in the courſe of his life, had many opportunities of knowing the amiable character of the Queen, and how much veneration ſhe was entitled to. He had once before praiſed her for having never meddled in the moſt diſtant way in politics; he therefore wiſhed, and he again repeated his wiſh, that her

Lord Stormont.

her Majeſty was removed from the poſſibility of being ſurrounded by ill adviſers, and that ſhe had not been intruſted with one atom of political authority.

Earl of Carliſle.

The Earl of *Carliſle* ſaid, it was to him rather extraordinary, that thoſe who ſat near him ſhould ſo often have occaſion to declare, that it was not their wiſh to take any thing from the ſplendour and decoration of his Majeſty, that was *now* neceſſary. Their wiſh was merely to *borrow* that ſplendour and decoration which was not neceſſary for the King in his preſent unfortunate ſituation, and *lend* it to the Regent, to whoſe ſituation and condition it was neceſſary. When the King became well, it would return to him as quick as light. His Lordſhip laid conſiderable ſtreſs on this tranſition, and ſaid, the noble Lord who had lately ſpoken (Lord Hawkeſbury), had talked of the difference between the power of a Regent, under the former Bills of Regency, and under a Bill with a *few* Reſtrictions; let the noble Lord recollect, that in the former Regency Bills no one power of the Crown was ſuſpended, and then let him look to the preſent Bill, and ſay, what poſſible Reſtriction could be added to cripple and weaken the Government.

Lord Sydney.

Lord *Sydney* in reply, ſaid, there were many Reſtrictions that might have been added, of ten times the tendency to cripple the Government, compared to thoſe contained in the Bill. The Regent was left with all the great power of Government, and there was not in his opinion the ſmalleſt ground for aſſerting that the Bill would really weaken his Government. Let them conſider who the Regent was? a Prince of Wales of high character, of amiable manners, greatly beloved, and in the flower and vigour of his youth! The Reſtrictions impoſed were, it was well known, only provided with a view to his Majeſty's temporary illneſs. If the Houſehold were not put under her Majeſty's controul, though the Regent might not wiſh, himſelf, to change the Great Officers of the Houſehold, in this *evergreen* age, who knew but ſome perſon about him might perſuade him to do ſo. Political ſpeculatiſts were governed by their hopes, and would look forward as long as they had exiſtence. There was now no man ſo old and decrepit, no man but who *ſans* teeth, *ſans* eyes, *ſans* ears, *ſans* every thing, would hobble on, and not merely court his favour by political cringing, but do ſo by affecting to partake the youthful pleaſures of the Prince. The noble Lord's

Lord's Amendment, as explained by his Lordſhip, Lord Sydney declared, ſhocked him. Did they recollect his Majeſty's preſent ſituation? That he had been declared *convaleſcent* in a report ſigned by Dr. Warren, whoſe word, he believed, would ſcarcely be doubted. Though his Majeſty, therefore, might not yet be in a ſtate to take upon himſelf the conduct of public buſineſs, he might be able to indulge himſelf with the private converſation of thoſe he had been accuſtomed to converſe with. Suppoſe he ſhould aſk for a Duke of Roxburgh, or a Lord Winchelſea? What anſwer muſt be made? He muſt be told they were gone. Some ſtern Cato had removed them from their offices! Would their Lordſhips hear ſuch a caſe ſtated, and hear it with patience? Were the Lords of the Bedchamber to be treated as a body of Janniſaries? He remembered in his time, the Bedchamber filled with ſome of the higheſt characters of the country. At preſent the Lords of his Majeſtys Bedchamber were moſt reſpectable, and yet it was ſuppoſed, that they were to be influenced by perſons out of office. His Lordſhip took notice of Lord Stormont's mention of her Majeſty, and ſaid, he always doubted, in proportion as the noble Viſcount dealt in expreſſions of reſpect; he had in fact began to tremble when the noble Viſcount had ſaid, what the law of the Conſtitution obliged him to ſay of his Majeſty, viz. that the Queen *could do no wrong*, and the noble Lord had verified his fears, by inſtantly adding, but her adviſers might; which was the beſt way to get off. His Lordſhip expatiated on the Queen's character, and aſked, if it were likely, that a woman who had been twenty-ſeven years among us, and never meddled with politics, would change her houſe, which was, and muſt be, a houſe of diſtreſs, as long as the King's illneſs continued, into a houſe of faction, for the purpoſe of oppoſing her own ſon. He declared he had as much reſpect for his Royal Highneſs as any one elſe, but he did not ſee that the ſtate of a Regent ought to be exactly the ſame as the ſtate of a King. He aſked, if any one had heard in the reign of George II. when the Prince of Wales was Regent, that he had the attendance of the Lord Steward. With regard to the wiſh being only to *borrow* ſome of the ſplendour and decoration of the King to *lend* it to the Regent; he ſaid, if he were to be ill, and during his illneſs any thing that belonged to him

ſhould

ſhould be borrowed without his conſent, he ſhould think it was ſomething very like *taking it away*. His Lordſhip added other arguments againſt the Amendment.

Lord Rawdon.

Lord *Rawdon* ironically complimented Lord Sydney on the graceful turn of his eloquence, and the peculiar beauty of the flowers of his rhetoric, with which he generally addreſſed their Lordſhips, but not being able to reach the ſame ſublimity himſelf, his Lordſhip ſaid, he muſt be content to addreſs the Committee in an humble tone, but not he hoped in a manner that was not level to their underſtandings. In the courſe of his ſpeech, his Lordſhip denied that he had ſaid, that all the power of Government depended on prejudice in all countries; he had only meant, that it was neceſſary by the outward ſtate and ſplendour that ſurrounded the perſon of him, who exerciſed the ſupreme authority, that the prejudices of vulgar minds were worked on. The noble Lord (Lord Hawkeſbury) he obſerved, had ſtated the virtues of the preſent Adminiſtration; he declared, he had no objection to hear *a political ſwan ſing forth the funeral dirge of his own departing power*. If the people, however, had hitherto thought highly of the conduct of Miniſters in the Regency buſineſs, it was becauſe they had miſconceived it, and ſaw it in a wrong point of view. If any thing could open their eyes, it was, his Lordſhip ſaid, the deciſive manner in which the Parliament of *his* country had acted, in reſpect to the ſame ſubject. Ireland had thereby ſhewn that ſhe deſerved to have that Conſtitution, which ſhe had ſo nobly earned. His Lordſhip added an explanation of the object of his motion, which was, he ſaid, that ſuch part of the Houſehold as could not in the preſent caſe attend on his Majeſty, ſhould attend on the Regent.

Lord Sydney.

Lord *Sydney* ſaid a few words in defence of himſelf, from the charge of having uſed coarſe language, which he conceived Lord Rawdon had imputed to him.

Lord Hawkeſbury.

Lord *Carliſle* and Lord *Hawkesbury* roſe together, but the latter obtained the hearing, by ſaying, that he hoped the *political ſwan would be permitted to ſing a few more funeral notes*. His Lordſhip repeated his former obſervation, that in every degree of Government whatever, the confidence of the people in their Governors aroſe from the opinion they entertained of their own ſhare in that Government. His Lordſhip alſo repeated his argument, that as her Majeſty was

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to have the care of the King's perſon, ſhe ought of neceſſity to have the power of managing the King's Houſehold, which while ſhe held the care of his Majeſty's perſon, in fact, became, as it were, her own Houſehold.

The Earl of *Carliſle* defended the alluſion to the ſuppoſed influence, that ſeparating the power over the Houſehold from the other powers of the executive Government, from the charge of being unparliamentary, contending that nothing could be more parliamentary. Earl of Carliſle.

There was here a conſiderable call for the Queſtion.

Lord *Kinnaird* however roſe, and reprobated the Clauſe as the grand climax of thoſe dangers to the Conſtitution, with which, his Lordſhip ſaid, the whole Bill was fraught. He declared, he conceived himſelf to be a friend to the Conſtitution when he ſaid ſo; and as to the caſe put by a noble Secretary of State, that if the Amendment were adopted, and his Majeſty, on his recovery, ſhould call for a Duke of Roxburgh, or a Lord Winchelſea, they would not be to be found; that was, in his mind, a direct charge upon thoſe noble perſons of a want of diſintereſted affection to his Majeſty; it was directly ſaying, that they were influenced ſolely by the emoluments of their offices, and not by any other and more honourable ties of regard and reverence. He contended, however, that the imputation was unmerited, and that if his Majeſty ſhould call for thoſe noble perſons, and they ſhould have been removed from their places, they would be to be found, and be as ready to gratify the wiſhes of his Majeſty as if they were in office. With regard to the Amendment's taking away the appointment of the Officers of the Houſehold from his Majeſty, the Clauſe itſelf took from the King that appointment and veſted it in the Queen, as all the officers of the Houſehold were removeable in her Majeſty's name, and not, as was the caſe, in other parts of the Bill, in the name and on the behalf of his Majeſty. His Lordſhip concluded with reading a printed paper, containing ſentiments adverſe to the general tenour of the Bill, but what the paper purported to be, we could not hear from the great impatience of the Committee for the Queſtion. Lord Kinnaird.

The Queſtion was at length put, and the Committee divided,

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The Amendment was conſequently negatived.

Earl *Bathurſt* then moved to report Progreſs and adjourn. This occaſioned a conſiderable degree of converſation.

Lord *Loughborough* and Lord *Stormont* ſtated, that there were certain places for life in the Houſehold, which, as the Clauſe ſtood, it would be in her Majeſty's power to give away; and they reaſoned upon the impropriety of veſting her Majeſty with a power from the exerciſe of which they had reſtrained the Regent.

Duke of Richmond. The Duke of *Richmond* ſaid, the objection was perfectly new to him, and at the ſame time it appeared to be of ſo much ſerious importance, that he wiſhed for ſome time to conſider it thoroughly. He ſhould be extremely ſorry to give his aſſent to any Bill, containing a Clauſe that indirectly gave the Queen a power, which he was by no means willing, either directly or indirectly, to inveſt in any perſon during his Majeſty's temporary indiſpoſition; he therefore hoped the Committee would agree to the Motion, "That the Chairmain be directed to report Progreſs."

Lord Thurlow. Lord *Thurlow* ſaid, when the Clauſe came to be examined, he did not believe it would be found liable to the objection that had been ſtated; but even ſhould that be the caſe, it would be extremely eaſy to remedy the inconvenience by afterwards introducing a new Clauſe, by way of Proviſo, for the expreſs purpoſe of excepting any ſuch uſe being made of the power veſted in her Majeſty.

Lord Walſingham on this put the Queſtion, that the Clauſe thus amended (as it had been by Lord Oſborne (Marquis of Carmarthen) on Tueſday), ſtand part of the Bill?—This was agreed to.

Another converſation aroſe in this place upon the Queſtion of reporting Progreſs, many noble Lords calling out to *adjourn*, and others to *go on*.

Lord Stormont. Lord *Stormont* ſaid, he wiſhed to deprecate nothing ſo much as miſpending their Lordſhips time, and therefore it would be wiſe to decide directly one way or the other, or they might loſe as much time in agitating a conteſt whether they ſhould report Progreſs or not, as it would take them to go through the next Clauſe.

Earl of Carliſle. The Earl of *Carliſle* ſaid, the preceding evening, it had been privately underſtood, that it would be for the convenience of certain individual Lords, that they ſhould report Progreſs and adjourn at nine o'clock, on which it was agreed to adjourn, each ſide of the Houſe underſtanding that they were to come down next day, and get

get through as much of the Bill as poſſible. But was it to be a regular cuſtom, that they were to deem half after nine too late an hour to go on, and that, when their Lordſhips had a Bill before them of ſuch infinite importance?

Duke of Richmond

The Duke of *Richmond* declared, it was by no means his wiſh to report Progreſs, merely becauſe it was half after Nine, but becauſe the next Clauſe was a very important one, and would call forth ſo conſiderable a degree of diſcuſſion, that in all probability they would not be able to go through it that night, if they entered upon it at all.

Earl of Carliſle.

The Earl of *Carliſle* remonſtrated againſt ſuch extraordinary conduct, which had all the appearance of an artificial delay. His Lordſhip ſaid, they did not begin buſineſs till Five o'clock, and after four hours debate, at half after Eight, or within a quarter of Nine, they were to be told of the lateneſs of the hour. His Majeſty's Miniſters, he ſaid, were to blame for not coming down to the Houſe till Five, although they had not now the uſual excuſe of having his Majeſty to attend; by ſuch conduct on their part, the noble and learned Lord on the Woolſack could not begin buſineſs till Five o'clock, or after that hour.

The Duke of *Richmond* and the Lord *Chancellor* each ſaid a few words, to prove that they were always ready to enter upon buſineſs earlier, but that without imputing more blame to one ſet of men than to another, the Houſe generally ſpeaking was ſo thin till Five o'clock, that it was not proper to begin any buſineſs of importance before that hour.

Earl of Carliſle.

The Earl of *Carliſle* declared, he had not intended to point what he had ſaid at either the noble Duke or the noble and learned Lord.

Marquis of Stafford

The Marquis of *Stafford* ſaid, as it had been urged as a matter of complaint that buſineſs began at too late an hour, the beſt and moſt effectual way to prevent there remaining any cauſe for a ſimilar complaint, would be for them to reſolve to meet at half after Three, and proceed immediately to buſineſs. Inſtead, therefore, of going into the important debate, that the next clauſe would in all probability occaſion, ſuppoſe it were generally underſtood, that the noble and learned Lord would take the Woolſack the next day at half after Three preciſely?

Lord Stormont.

Lord *Stormont* would not agree, that becauſe it was half after Nine or Ten o'clock at night, that therefore it was too late to go on with a Bill of that importance. His Lordſhip ſaid, he had known the Houſe ſit till Two in the morning, and no man who weighed the buſineſs then before the Houſe, would deny that the Bill was of greater importance than the Iriſh Propoſitions, important as thoſe Propoſitions undoubtedly were. The delay that had already taken place, he declared had been extraordinary. If however Miniſters were willing to take upon themſelves the reſponſibility for the delay that had taken place, and might yet happen, he had no objection. Let them adjourn for a month if they pleaſed, ſo as they confeſſed themſelves reſponſible for the conſequences. They knew the buſineſs beſt, and if they choſe to delay and drive the Bill off till ſo late a period, that it would put other great and important Bills, that muſt ſoon be paſſed, in danger of not being paſſed in time, they did it at their own riſque, and it was not for him, ſtanding in the ſituation that he did, to urge the critical ſtate of affairs at home and abroad, and the various dangers that might enſue. If they did not then go on, however, they would loſe a whole day, and that he thought it fair to mention.

Marquis of Townſhend.

The Marquis *Townſend* ſaid, if they imagined they could get through the Clauſe in three or four hours, he would as readily conſent to go on as any Peer in Parliament, but the Clauſe would involve the Committee in a great deal of diſcuſſion, and perhaps they would ſave no time by entering upon it then. The Marquis acquitted Miniſters of intentional delay, and ſaid, if they had been monopolizing Miniſters, who were determined to carry every thing with an high hand, and force the Bill rapidly through the Houſe, he ſhould hold them to blame, but conſidering the magnitude and importance of the Bill, he really thought they had made every reaſonable diſpatch.

On the Queſtion put, "that the Chairman report progreſs," it was carried without a diviſion.

Thurſday,

Thurſday, February 19.

REGENCY BILL.

As ſoon as prayers were over,

The Lord *Chancellor* left the Woolſack, and informed the Houſe, that ſince his Majeſty's Phyſicians had pronounced him to be in a ſtate of *Convaleſcence*, the accounts of his Majeſty's progreſſive improvement had increaſed from day to day, and the intelligence from Kew was that day ſo favourable, that he conceived every noble Lord would agree with him in acknowledging that it would be indecent and improper to go on with the proceedings in which they were engaged, under the preſent circumſtances, when the principle of the Bill might poſſibly be entirely done away. Every one of their Lordſhips, he was perſuaded, would entertain the ſame ſentiment on the ſame ſubject, and amidſt the general joy that the happy and reaſonable expectation of his Majeſty's ſpeedy return muſt occaſion, he had no doubt that the Houſe would agree with him, that it would be better to wait a few days, to ſee what progreſs towards a perfect and complete recovery was made in his Majeſty's health, before they went further with the Bill appointing a Regency. Congratulating their Lordſhips and the Country therefore on the favourable proſpect of that event, to which the wiſhes and prayers of all his Majeſty's ſubjects were directed, he would humbly ſubmit to their Lordſhips the propriety of the Committee's being adjourned till Tueſday next, and by his Majeſty's then ſituation in point of health, their Lordſhips would be enabled to judge, how far it would be neceſſary or proper to go on with the proceeding. Lord Chancellor

Lord *Stormont* ſaid, he roſe with more ſatisfaction, and with a degree of joy nearer to his heart, than he had ever felt in any period of his life. He rejoiced that they had now a reaſonable ground of hope for his Majeſty's ſpeedy recovery, an event which he the more rejoiced in, as he conſidered it as likely to ſecure the ſalvation of the country. Regencies were at all times, his Lordſhip ſaid, expedients which the neceſſity of the caſe might require, but which no man who knew any thing of political effects, would wiſh that occaſion Lord Stormont

caſion ſhould ariſe to create. With regard to the preſent Regency Bill, he muſt take the liberty of ſtating, that he conſidered it as an aggravation of the calamity with which the country had been afflicted; he rejoiced therefore for him, who, if the favourable proſpect that had been opened to them by the noble and learned Lord, ſhould be realized, would find himſelf delivered from the hard duty which the neceſſity of the caſe would have impoſed on him, and which nothing but a neceſſity ſo urgent, could have induced him to undertake. Even under the difficult and embarraſſing circumſtances preſcribed by the preſent Bill, he was convinced the Prince of Wales would have ſhewn at leaſt an earneſt of that political wiſdom and conſtitutional zeal, which might be expected from him, when he ſhould by a courſe of nature ſit upon the Throne. It was reaſonable to expect, that his eyes would be cloſed long before that time arrived, but there were Lords preſent, who might live to ſee the day to which he alluded, and who he had no doubt would feel the benefit, and acknowledge the truth of his prediction. His Lordſhip ſaid, he would ſit down, making only this ſingle obſervation, which he had thrown out the preceding evening in general argument, viz. that thoſe who had the Government of the country in their hands, who knew the real ſtate and preſſure of affairs both at home and abroad, much better than they could pretend to do, muſt take upon themſelves to anſwer for every inconvenience that might ariſe from the preſent or any future delay. They muſt be reſponſible for the conſequences; conſidering therefore that this was fair to ſuggeſt at that moment, and that it would be allowed that it was ſo, he ſhould chearfully give his conſent to the Motion of the noble and learned Lord, and to every delay that might be propoſed. His Lordſhip added, that he was exceedingly happy to find, that things were likely to flow back into their regular and natural channel, a circumſtance that could not but afford general and ſincere ſatisfaction.

Duke of York. His Royal Highneſs the Duke of *York*. "I truſt your Lordſhips will do me the juſtice to believe, that no perſon in the Houſe could feel equal pleaſure with myſelf from the favourable account which the noble Lord on the Woolſack has given, and the Motion he has made to the Houſe, in which I entirely concur. I ſhould have had great ſatisfaction in making the ſame communication to the Houſe, if I had been enabled to do it from any certain information. I thought

thought it my duty yeſterday, upon the favourable reports given to the public, to requeſt to be admitted to his Majeſty's perſon. From reaſons, very juſtifiable I have no doubt, it was not thought proper that I ſhould have that ſatisfaction.

"From the knowledge I have of my Brother's ſentiments, though I can have had no immediate commmunication with him upon the ſubject of this Motion, I am convinced that he will feel equal, if not greater pleaſure than myſelf, at the hopes of his Majeſty's recovery; as it muſt relieve him from the embarraſſment of the ſituation in which the Bill would have placed him, which nothing but a ſtrong ſenſe of his duty to the public would have induced him to undertake."

The Committee was adjourned to Tueſday, and the Houſe roſe immediately, having alſo adjourned to that day.

Tueſday, February 24.

His Majesty's Health.

The Order of the Day being read for the Houſe to reſolve itſelf into a Committee on the further conſideration of the Bill, intitled, "An Act to provide for the care of his Majeſty's Royal "Perſon, and for the Adminiſtration of the Royal Authority, dur-"ing the continuance of his Illneſs,"

Lord Chancellor

The Lord *Chancellor* left the Woolſack, and ſaid, the accounts of the progreſs that his Majeſty made towards recovery, continued to be ſo favourable from day to day, that he preſumed the ſame reaſons that before actuated their Lordſhips, and induced them to adjourn laſt Tueſday, would prevail for a further delay, and incline them to adjourn for a few days longer. He ſhould therefore move to adjourn till Monday next.

Duke of Norfolk.

The Duke of *Norfolk* ſaid, though they had not any regular evidence before them to contradict the teſtimony of his Majeſty's Phyſicians delivered formerly upon their examination, yet the account of his Majeſty's health came ſo well authenticated from the noble

and learned Lord, who was known to have had perſonal interviews with his Majeſty, that no doubt could be entertained of the fact. He ſhould be happy to hear, however, what were the preſent appearances of his Majeſty's health, and if his Majeſty ſhould continue in the ſame progreſſive ſtate of amendment, though not able to take upon himſelf the actual buſineſs of the Regal ſtation, what ſteps would be to be purſued after the period of Adjournment propoſed, and whether another examination of his Majeſty's Phyſicians would take place. His Grace alluded to the Bills that muſt of neceſſity paſs by a certain time next month, and ſaid, he conceived it could not be improper to communicate the intentions of his Majeſty's Miniſters.

Lord Chancellor

The Lord *Chancellor* ſaid, he had no difficulty in riſing to anſwer the queſtions of the noble Duke, that as for his apprehenſion and judgment (not being a Phyſician, nor converſant with ſuch ſubjects) could enable him to form an opinion of his Majeſty's underſtanding, the poſture of his Majeſty's mind appeared to be clear and diſtinct. Perhaps, his Lordſhip ſaid, he was the beſt perſon to put ſuch a queſtion to, becauſe, not having the opportunity of being near his Majeſty's perſon, he had apprehended more for his Majeſty, than it now appeared had been abſolutely neceſſary; and thence it was, that he had from time to time received much conſolation from the reports of thoſe moſt competent to give him information upon the ſubject. With reſpect to the late interviews that his Majeſty had commanded him to have with him, he had been in his preſence at one time for an hour and a quarter, and that day for a full hour; during both which times he had found the poſture of his Majeſty's mind to be clear and diſtinct; ſo much ſo, that he appeared to be perfectly capable of converſing on any ſubject that might be propoſed to him. With regard to the ſecond point to which the noble Duke's queſtion referred, whatever ſtep might be propoſed, it ought, he ſhould conceive, to be grounded on a view of his Majeſty's health, as near to the moment of the proceeding as poſſible, and therefore it was impoſſible for him at that time to anticipate the meaſure, or ſay what it might be.

The Houſe adjourned to Monday next.

Monday,

Monday, March 2.

The Order of the Day being read for the Houſe to reſolve itſelf into a Committee on the Bill to "Provide for the care of his Ma-"jeſty's Royal Perſon, and for the Adminiſtration of the Royal "Authority during the continuance of his Majeſty's illneſs,"

Lord Chancellor

The Lord *Chancellor* roſe and ſaid, the accounts of his Majeſty's health being every day more and more favourable, he ſhould content himſelf with reminding their Lordſhips, that their late adjournments had been propoſed on the principle of bringing the preſſure of public affairs as gradually as poſſible under his Majeſty's view, and therefore on the ſame principle he ſhould move, "That the Order of the Day be adjourned to Thurſday next."

The Houſe adjourned till Thurſday.

Thurſday, March 5.

The Lord *Chancellor* ſaid, their Lordſhips had adjourned laſt Monday, and indeed delayed proceeding with the Order that had been juſt read, from time to time, under the idea that it was proper to afford his Majeſty as much ſpace for recovery, before he engaged in buſineſs, as could be conſiſtent with the preſſure of Public Affairs. Since their laſt adjournment, his Majeſty found his health ſo much better eſtabliſhed, that he was in hopes of communicating to that Houſe, on Tueſday next, ſuch other public buſineſs as was neceſſary to be laid before them for their conſideration and diſpatch. He ſhould therefore move, that the Order be further adjourned to Tueſday next.

Tueſday, March 10.

As ſoon as Prayers were over, the Houſe adjourned to robe, and the Lords Commiſſioners, viz. The Archbiſhop of Canterbury, the Lord Chancellor, the Marquis of Carmarthen, Lord Sydney, the Duke of Chandos, and the Earl of Saliſbury (being in their robes and

and ſeated), the Gentleman Uſher of the Black Rod was ſent to the Commons to deſire their immediate attendance, and the Speaker being at the Bar attended with a great number of Members, the Lord *Chancellor* acquainted both Houſes with the reaſon of their being called together, viz. that a Commiſſion had paſſed the Great Seal with his Majeſty's Sign Manual, which he directed to be read by the Clerk.

The Lord *Chancellor* then delivered the following Speech to both Houſes:

" *My Lords and Gentlemen,*

" His Majeſty not thinking fit to be preſent here this day in His " Royal Perſon, has been pleaſed to cauſe a Commiſſion to be iſſued " under His Great Seal, authorizing and commanding the Com- " miſſioners who are appointed by former Letters Patent to hold " this Parliament, to open and declare certain further cauſes for " holding the ſame: which Commiſſion you will now hear read."

And the ſame being read accordingly, the Lord Chancellor then ſaid,

" *My Lords and Gentlemen,*

" In obedience to His Majeſty's Commands, and by virtue of " both Commiſſions already mentioned to you, (one of which has " now been read) we proceed to lay before you ſuch further matters " as His Majeſty has judged proper to be now communicated to " His Parliament.

" His Majeſty being, by the bleſſing of Providence, happily " recovered from the ſevere indiſpoſition with which He has been " afflicted; and being enabled to attend to the public affairs of His " kingdoms, has commanded us to convey to you His warmeſt " acknowledgements for the additional proofs which you have given " of your affectionate attachment to His Perſon, and of your " zealous concern for the honour and intereſts of his Crown, and " the ſecurity and good government of His dominions.

" The interruption which has neceſſarily been occaſioned to the " public buſineſs will, His Majeſty doubts not, afford you an " additional incitement to apply yourſelves, with as little delay as " poſſible, to the different objects of national concern which require " your attention.

" His

" His Majeſty has likewiſe ordered us to acquaint you that, " ſince the cloſe of the laſt ſeſſion, He has concluded a treaty of " Defenſive Alliance with His good brother the King of Pruſſia, " copies of which will be laid before you: that His Majeſty's " endeavours were employed, during the laſt ſummer, in conjunction " with His Allies, in order to prevent, as much as poſſible, the ex- " tenſion of hoſtilities in the north, and to manifeſt His deſire of " effecting a general pacification: that no opportunity will be " neglected, on his part, to promote this ſalutary object; and that " he has, in the mean time, the ſatisfaction of receiving from all " foreign Courts, continued aſſurances of their friendly diſpoſitions " to this country."

" *Gentlemen of the Houſe of Commons,*

" We are commanded by his Majeſty to acquaint you, that the " eſtimates for the current year will forthwith be laid before you; " and that He is perſuaded of your readineſs to make the neceſſary " proviſions for the ſeveral branches of the public ſervice."

" *My Lords and Gentlemen,*

" We have it particularly in charge from His Majeſty to aſſure " you, that you cannot ſo effectually meet the moſt earneſt wiſh of " His Majeſty's heart, as by perſevering in your uniform exertions " for the public welfare, and by improving every occaſion to pro- " mote the proſperity of his faithful people, from whom His Ma- " jeſty has received ſuch repeated and affecting mark of invariable " zeal, loyalty, and attachment, and whoſe happineſs he muſt ever " conſider as inſeparable from his own."

The Houſe then adjourned during pleaſure for the Lords Commiſſioners to unrobe, and being reſumed, the Lord *Chancellor* reported his Majeſty's Speech, after which Lord *Cheſterfield* roſe and moved an humble Addreſs in anſwer to the ſame, which was ſeconded by Lord *Cathcart*. Earl *Stanhope* ſpoke afterwards, and the Queſtion being put, the Addreſs was agreed to, *nemine diſſentiente*, and the Lords with White Staves ordered to wait upon his Majeſty, to know when he would pleaſe to be attended therewith.

Lord *Morton* afterwards moved a Congratulatory Meſſage to the Queen, which was ſeconded by Lord *Hawkeſbury*, and their Lordſhips directed to wait upon her Majeſty with the ſame.

Lord

Lord *Hawkeſbury* afterwards moved the Order of the Day for the Houſe to reſolve itſelf into a Committee on the further Conſideration of the Bill, intitled, "An Act to provide for the care of his "Majeſty's Royal Perſon, and for the Adminiſtration of the Royal "Authority during the continuance of his Majeſty's illneſs." And the ſame having been read by the Clerk, his Lordſhip then moved to diſcharge the Order, which upon the Queſtion, was ordered.

His Lordſhip obſerved, that his Majeſty's happy recovery, and the proceedings of the day, having entirely done away the object of the Bill, he ſhould move, "that the Bill be rejected." The Queſtion being put, was agreed to by the Houſe.

The following is a Copy of the humble ADDRESS of the Right Honourable the Lords Spiritual and Temporal, in Parliament aſſembled, on Tueſday March 10, and preſented to HIS MAJESTY.

"*Moſt Gracious Sovereign*,

"We, your Majeſty's moſt dutiful and loyal ſubjects, the Lords Spiritual and Temporal, in Parliament aſſembled, beg leave to approach your Throne, and return our moſt humble thanks for the gracious Speech which your Majeſty has commanded to be made to both Houſes of Parliament.

"We moſt ſincerely congratulate your Majeſty on your happy recovery from your late indiſpoſition, and upon your being again enabled to attend to the urgent concerns of your kingdoms, and to exerciſe perſonally your Royal Authority.

"We acknowledge, with all poſſible thankfulneſs, the goodneſs of Almighty God, in attending to the prayers of a loyal, affectionate and afflicted people, and in reſtoring your Majeſty to the wiſhes of your faithful ſubjects; and we moſt earneſtly hope that the bleſſing of your Majeſty's juſt and benevolent Government may long be continued to us.

"We humbly offer to your Majeſty our moſt ſincere expreſſions of gratitude for your gracious acceptance of our beſt endeavours to prove

prove our zealous and affectionate attachment to your perſon, and our anxious concern for the honour and intereſts of your Crown, and the ſecurity and good Government of your dominions.

" Your Majeſty may be aſſured that we will without delay apply ourſelves to the conſideration of the different objects of national concern which require our attention.

" We moſt humbly thank your Majeſty for the orders which you have been graciouſly pleaſed to give for laying before this Houſe a copy of the treaty of Defenſive Alliance which your Majeſty has concluded with the King of Pruſſia.

" We are ſenſible that your Majeſty's endeavours, in conjunction with your Allies, to prevent as much as poſſible the extenſion of hoſtilities in the North of Europe, and to contribute to the reſtoration of general tranquillity, are the natural reſult of your Majeſty's known wiſdom and humanity; and we have a full reliance on the continuance of your exertions towards promoting ſo ſalutary an object.

" We hear with ſatisfaction that your Majeſty continues to receive from all foreign Courts the ſtrongeſt aſſurances of their friendly diſpoſition towards this country.

" We are conſcious, Sir, that we enſure to ourſelves the approbation of your Majeſty, when we attend to the public welfare, and to the advancement of the proſperity of your people, whoſe zeal, loyalty, and attachment to your Majeſty, are the natural and ſpontaneous effects of their uniform experience of your Majeſty's virtues, and of the conſtant bleſſings derived from your mild and auſpicious Government."

His MAJESTY's Moſt Gracious ANSWER.

" *My Lords*,

" This very dutiful and affectionate Addreſs calls forth my " warmeſt thanks; the ſentiments expreſſed in it have ſo univerſally " prevailed among my loving ſubjects, that they muſt, if poſſible, " increaſe my ſolicitude for the proſperity and happineſs of this, my " native country."

LIST

LIST
OF THE
DIVISION *in the* HOUSE *of* LORDS,

On FRIDAY *the 26th of* DECEMBER, 1788,

On the Queſtion of the Amendment to the Reſolutions moved by Lord RAWDON.

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Portland	Chandos
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Marquis of Townſhend	Montague
Earls of Derby	Marquiſſes of Stafford
Huntingdon	Lanſdowne
Suffolk	Earls of Saliſbury
Carliſle	Denbigh
Sandwich	Weſtmorland
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Exeter	Cheſterfield
Peterborough	Eſſex
Shafteſbury	Doncaſter
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Hertford	Aylesford
Ilcheſter	Suſſex
Spencer	Stanhope

Earl

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Viſcounts Hereford
Bolingbroke
Maynard
Hampden
Lords Audley
St. John
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Rawdon
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Selkirk
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Leiceſter
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	Elliott
	Bulkeley
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	Lincoln
	Bangor
	Glouceſter
	St. David's.

REPORT

OF THE

LORDS COMMITTEES,

APPOINTED TO

EXAMINE THE PHYSICIANS

WHO HAVE ATTENDED

HIS MAJESTY,

DURING HIS ILLNESS,

Touching the State of his MAJESTY's Health.

ALSO A

BILL,

INTITULED,

"*An Act to provide for the Care of his Majesty's "Royal Person, and for the Administration of the "Royal Authority, during the Continuance of his "Majesty's Illness.*"

(As it passed the Honourable HOUSE of COMMONS, and went up to the LORDS, and there read twice..)

LONDON:
PRINTED FOR JOHN STOCKDALE, OPPOSITE BURLINGTON HOUSE, PICCADILLY.
MDCCLXXXIX.

REPORT.

By the Lords Committees appointed to examine the Phyſicians who have attended his Majeſty during his illneſs, touching the ſtate of his Majeſty's health.

ORDERED TO REPORT,

THAT the Committee have met, and examined the ſeveral Phyſicians who were ſworn for that purpoſe at your Lordſhips Bar; and the evidence given by them before the ſaid Committee was as follows:

Doctor FRANCIS WILLIS called in and examined.

You are deſired to acquaint the Committee, whether the ſtate of his Majeſty's health is ſuch as to render him incapable of coming in perſon to his Parliament, or of attending to any kind of public buſineſs?

Certainly not capable.

What are the hopes you entertain of his Majeſty's recovery?

If it was any common perſon, I ſhould ſcarce doubt of his recovery; I have great hopes of his Majeſty's recovery; but I am afraid it may be retarded by his recollection of his preſent indiſpoſition.

Can you form any judgment or probable conjecture of the duration of his Majeſty's illneſs?

I cannot; either judgment or conjecture.

Is his Majeſty's recovery more probable or not?

A great deal more probable.

What degree of experience has Dr. Willis had himſelf, or does he know others to have had, in this particular ſpecies of diſorder?

I have had a great deal for twenty-eight or twenty-nine years.

Have you conſidered this kind of diſorder under which the King labours as liable to be claſſed under different ſpecies?

In my anſwer to that, I am apprehenſive it would deſcribe the ſort of diſorder more than your Lordſhips would chuſe: his Majeſty's indiſpoſition is attended with ſymptoms of violence and acuteneſs. Another ſpecies of this indiſpoſition is attended with lowneſs of ſpirits and deſpair; the latter of which is the moſt difficult to be cured.

Whether the diſorder is not of a different ſpecies when occaſioned by external cauſes, or when it is not to be traced back to ſuch cauſes?

We muſt judge of the ſpecies of a diſorder by the ſymptoms: but when we know the cauſe is from a blow, from exceſſes of any kind, from ſudden frights, from watching, from too great attention to buſineſs, or any ſudden misfortune, the cure will be brought about, in all probability, by an attention to what we judge to be the cauſe.

Have you taken ſuch obſervation of his Majeſty's illneſs, as to trace it to any of theſe cauſes?

I have attended his Majeſty ſo ſhort a time I can only form a gueſs, or hazard an opinion; from what I am told of his Majeſty's mode of life, therefore, I would not have your Lordſhips imagine I preſume to give it as a poſitive opinion: but from a detail of his Majeſty's mode of life for twenty-ſeven years, I ſhould rather think that his Majeſty's indiſpoſition has been brought about by uſing very ſtrong exerciſe, taking little ſuſtenance, watching, or want of ſleep, perhaps when his mind was upon the ſtretch with very weighty affairs; and I am the more inclined to think I may gueſs right, becauſe the medicines that were to meet with ſuch cauſes, which were ordered on Sunday laſt, have had the effect that I could wiſh.

Have

Have any favourable ſymptoms of convaleſcence taken place ſince you attended?

His Majeſty's nerves are leſs irritable, which muſt precede convaleſcence.

Do you regard that as a favourable ſymptom?

Yes.

Whether any actual ceſſation of the diſorder has obtained ſince you attended the King?

His Majeſty is much calmer, eats and drinks, takes medicines, and goes to bed quietly.

Do you conſider that, or any other ſymptoms you have obſerved, as a ceſſation of his diſorder?

As a partial, not a total ceſſation.

How long have you attended his Majeſty?

From Friday morning laſt, at about ten or eleven o'clock.

How ſoon have patients under your care, affected with a ſimilar diſorder, uſually recovered?

If I am called in within three months, from three months to fifteen or eighteen months: ſometimes they recovered much ſooner than three months, two months, ſix weeks, or one month:—I have had ſome two years under my care and recovered afterwards. I cannot preſume to form any opinion as to the time.

What do you underſtand by recovery?

To be perfectly well and fit for buſineſs in all reſpects, as he was before.

Do you make any diſtinction betwixt complete and temporary recovery?

As complete a recovery as if it was from an ague, fever, or cold, with proper attention to his mode of life.

In the courſe of your experience has it happened that perſons recovered by you have come a ſecond time under your care?

They have: but I do not think that they are more likely to relapſe into ſuch an indiſpoſition, than any one is into a violent fever.

Whether, when you have ſent a perſon out as cured, and that perſon returns under your care again, you conſider that as a new diſorder, or a relapſe?

If a long time intervenes, I conſider it as a new diſorder.

What do you call a long time?

Three or four years.

Whether ſhort of that, you look upon it as a relapſe or a cure?

If it was within a year, I ſhould call it a relapſe.

Within what time, as near as you can recollect, the majority of patients diſmiſſed by you as cured, whom you ſay have returned again under your care, have returned?

I have had them return from one to eighteen years, but cannot ſpeak as to majorities.

Doctor RICHARD WARREN called in and examined.

You are deſired to acquaint this Committee, whether the ſtate of his Majeſty's health is ſuch as to render him incapable of coming to his Parliament, or of attending to any kind of public buſineſs?

Incapable.

What are the hopes you entertain of his Majeſty's recovery?

The hopes muſt be determined by the probability of cure, and that can be judged of only by what has happened to others; by which I find that the majority of thoſe who have been diſordered in a manner ſimilar to his Majeſty, have recovered: but I do not mean by the word "ſimilar," his Majeſty's particular diſorder, but that diſorder in general.

Can you infer from thence, that it is more probable that his Majeſty will or will not recover?

That it is more probable that he will recover.

Does Dr. Warren apply this to the particular caſe of his Majeſty, or to caſes in general?

To caſes in general.

Can you form any judgment, or probable conjecture, of the duration of his Majeſty's illneſs?

No.

Whether, ſo far as experience enables Dr. Warren to judge of his Majeſty's diſorder, he thinks it more probable that his Majeſty will or will not recover, ſo as to render him capable of public buſineſs?

I have no data ſufficient to ground an anſwer upon this queſtion.

Whether there has been any ceſſation of his Majeſty's diſorder ſince you attended him?

No.

Are there any ſigns of a returning underſtanding?

No.

Since you was examined laſt at the Privy Council, have there been any more favourable ſymptoms of his Majeſty's recovery?

There are no ſymptoms of this diſorder, but the ſingle one of want of underſtanding. The words and the actions of perſons under this diſorder are accidental, and depend upon the difference of the perſons themſelves. A man that has a variety of ideas, will talk and act very differently from one who has fewer ideas, or has led a different courſe of life: his words and actions will be determined by the peculiarity of the man, and not by the diſtemper. Under this explanation the ſymptoms are more favourable.

Is the probability of his Majeſty's recovery of his underſtanding varied or affected any way by the actual duration of his illneſs?

The probability of cure diminiſhes as the time of the diſorder lengthens.

Has this diſorder continued ſo long, as to enable you, from thence, to pronounce upon the probability of his recovery?

No.

How long have you attended his Majeſty?

I ſaw him firſt on the ſeventh of November.

Whether there has been any difference of opinion amongſt the phyſicians as to the nature of the caſe?

It has been the cuſtom of his Majeſty's phyſicians, from the day that I went firſt to Windſor, to put down in writing a deſcription of the ſtate of his Majeſty's health every evening, and for each of them to ſign the paper; by which it will appear that there never was any difference of opinion among the phyſicians, with reſpect to the caſe as it is put. This was continued daily till his Majeſty came to Kew.

Sir GEORGE BAKER called in and examined.

You are deſired to acquaint this committee, whether the ſtate of his Majeſty's health is ſuch as to render him incapable of coming in perſon to his parliament, or of attending to any kind of public buſineſs?

The ſtate of his Majeſty's health is ſuch as to render him incapable of any public buſineſs.

What are the hopes you entertain of his Majeſty's recovery?

The hopes I entertain of his Majeſty's recovery are founded upon an idea of its being probable. That idea of probability is ſuggeſted to me by paſt experience, as well original as that of other phyſicians, in caſes ſimilar to that of his Majeſty.

Can you form any judgment, or probable conjecture, of the duration of his Majeſty's illneſs?

I can form no judgment, or probable conjecture, of the duration of his diſorder.

Has there been any ceſſation of the diſorder ſince you firſt attended his Majeſty?

There was a ceſſation of the diſorder ſince my firſt ſuſpicion.

At what period did you firſt ſuſpect the nature of his diſorder?

In the evening of Wedneſday, October the 22d laſt.

What

What length of time did that ceſſation continue?

I conceived the ſuſpicion that evening; and the next morning, when I viſited his Majeſty very early, he appeared to me to be perfectly well. On the Monday following I ſaw his Majeſty at Windſor, and then ſaw more ſigns of the diſorder.

Has there been any ceſſation ſince Monday, October the 27th?

None.

At this period of time do you ſee any ſigns of a returning underſtanding?

I ſee none.

Did you ſee his Majeſty between the 23d and the 27th of October?

I ſaw his Majeſty on the 24th and 25th of October, and I ſaw him again on the 27th, when he had a degree of his preſent diſorder, but in nothing like the ſtate in which it has appeared ſince.

Had his Majeſty been afflicted with any bodily diſorder immediately preceding the 22d of October?

On the 17th of October his Majeſty was attacked by a diſorder in which I had once before ſeen his Majeſty, and to which I underſtand he had been very ſubject: that diſorder I conceive to be biliary concretions in the gall duct.

How long did he continue in that illneſs?

It laſted the greateſt part of the 17th.

Did it laſt any longer, or did it take a different turn?

It returned twice on Monday and Tueſday following; on Monday it was not ſo ſevere, and went off very ſoon; on Tueſday it was very trifling.

Is it your opinion that his Majeſty's preſent malady has been cauſed by, or has any relation to, his previous diſorder?

It is not my opinion that his Majeſty's preſent malady has any relation to his previous diſorder.

Had

Had not his Majeſty a raſh previous to Friday the 24th of October?

On Friday, October the 17th, in the courſe of that day, it was mentioned to me that his Majeſty had had a raſh, and upon that account his ſkin was examined, and there did appear ſome marks of there having been a raſh, which had ſpent itſelf.

Have not you heard that his Majeſty, during the time that the raſh was upon him, wet his feet and ſat in wet ſtockings?

I was informed, that on Thurſday the 16th his Majeſty roſe very early and walked more than four hours, and afterwards went to St. James's without having changed his ſtockings, which were very wet.

Did not you underſtand the raſh had been checked by his Majeſty having ſat in wet ſtockings?

It was ſo imagined.

By whom?

By ſome in the family.

Can you ſay that a raſh ſo checked may not have been the occaſion of his Majeſty's preſent diſorder?

I can only ſay that it is not my opinion; for I conceive that if his Majeſty's preſent malady is ſuppoſed to be occaſioned by the checking of the raſh, the effect would have followed the cauſe more immediately.

Whether his Majeſty's legs ſwelled after it was imagined the raſh was checked?

The 18th of October the left foot was a little inflamed, and in conſequence ſwelled; afterwards the right foot.

Did the ſwelling of the legs go off upon the preſent diſorder coming on?

It had gone off before the preſent diſorder.

How long before?

About two days.

Were both the King's feet without ſwelling on the 24th?

I think

I think he left off both his great shoes on the 23d: he was lame and in pain in the muscles of his legs with the rheumatism on the 24th.

In what degree was he disordered on the 24th?

He had had a restless night on the Thursday; and when I saw his Majesty on Friday morning, he was low spirited, and complained much of the necessity of going to the levee. He complained all along of pains in the muscles of his thighs and legs, as he does also at present.

Have those pains in his thighs continued all along?

From the beginning.

Have those pains any relation to his Majesty's present illness?

I think not.

Was it your opinion that the rash was struck in?

It is not my opinion.

Sir LUCAS PEPYS called in and examined.

You are desired to acquaint this Committee, whether the state of his Majesty's health is such as to render him incapable of coming in person to his Parliament, or of attending to any kind of public business?

Certainly is incapable.

What are the hopes you entertain of his Majesty's recovery?

The hopes of his Majesty's recovery arise from the general consideration, that the majority of those afflicted with the same or similar disorder under which his Majesty now labours, do recover.

Can you form any judgment or probable conjecture of the duration of his Majesty's illness?

I can form no such conjecture.

Is his Majesty at times composed and quiet?

Frequently is.

Does his disorder abate during those periods?

Not in the least.

Doctor

Doctor HENRY REVELL REYNOLDS called in and examined.

You are desired to acquaint this Committee, whether the state of his Majesty's health is such as to render him incapable of coming in person to his Parliament, or of attending to any kind of public business?

His Majesty is incapable of attending to any public business.

What are the hopes you entertain of his Majesty's recovery?

I think there are well-founded hopes of his Majesty's recovery.

Can you form any judgment or probable conjecture of the duration of his Majesty's illness?

No; I cannot.

Upon what do you found your hopes of his Majesty's recovery?

Upon general experience; as the greater number of those afflicted with the same malady with his Majesty generally recover.

Doctor ANTHONY ADDINGTON called in and examined.

You are desired to acquaint this committee, whether the state of his Majesty's health is such, as to render him incapable of coming in person to his Parliament, or of attending to any kind of public business?

I have not seen his Majesty this week past; but at that time he was certainly incapable of attending Parliament, or doing any public business.

What are the hopes you entertain of his Majesty's recovery?

I have very great hopes of his Majesty's recovery.

Upon what foundation do you build those hopes?

I never yet heard that his Majesty has had any disorder whatever, from which I could infer that he could not recover; and

and by recovery, I mean ſo as to be able to attend his Parliament, and attend any other buſineſs as well as ever he did; but I think there are hopes in my mind, from ſome circumſtances that I had not taken notice of before. I never heard that his Majeſty was melancholy previous to his preſent indiſpoſition; and I do not recollect an inſtance of any patient who required a longer time to be perfectly cured than one year, who had not laboured under a pretty long and very conſiderable melancholy previous to his confinement.

Can you form any probable judgment of the duration of his Majeſty's diſorder?

I cannot.

In what time have theſe diſorders generally been cured?

It has been my good fortune to ſee none who have not been cured within a year; ſometimes in four months from the time they came under my care, unleſs they were deemed incurable by the beſt judges before they were ſent to my houſe.

Is it your opinion, that all diſorders of the mind, not preceded by melancholy, have been cured within the year?

All the diſorders within my practice, except as before, have been cured within the year; and I ſhould think that ſuch diſorders would be curable within the year, unleſs they proceeded from ſome immovable cauſe, ſuch as the enlargement of the bone preſſing upon the ſenſorium, or other ſimilar cauſes.

Doctor THOMAS GISBURNE called in and examined.

You are deſired to acquaint this Committee, whether the ſtate of his Majeſty's health is ſuch as to render him incapable of coming in perſon to his Parliament, or of attending to any kind of public buſineſs?

I think him abſolutely incapable.

What are the hopes you entertain of his Majeſty's recovery?

As

As thoſe in ſimilar circumſtances have often recovered, I hope his Majeſty will.

Has a majority of them recovered?
They have.

Can you form any judgment, or probable conjecture, of the duration of his Majeſty's illneſs?
I think that cannot be aſcertained.

A

B I L L,

INTITULED

An Act to provide for the Care of his Majeſty's Royal Perſon, and for the Adminiſtration of the Royal Authority, during the Continuance of his Majeſty's Illneſs.

WHEREAS, by reaſon of the ſevere indiſpoſition with which it hath pleaſed God to afflict the King's moſt Excellent Majeſty, the perſonal exerciſe of the royal authority by his Majeſty is for the preſent ſo far interrupted, that it becomes neceſſary to make proviſion for aſſiſting his Majeſty in the adminiſtration and exerciſe of the royal authority, during the continuance of his Majeſty's indiſpoſition, in ſuch manner, and to ſuch extent, as the preſent circumſtances, and the urgent concerns of the nation, require; BE IT THEREFORE ENACTED by the King's moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the authority of the ſame, That his Royal Highneſs George Auguſtus Frederick, Prince of Wales, ſhall have full power and authority, in the name and on the behalf of his Majeſty, and under the ſtyle and title of Regent of this kingdom, to exerciſe and adminiſter, according to the laws and conſtitution of Great Britain, the royal power and authority to the crown of Great Britain belonging, and to uſe, execute, and perform all authorities, prerogatives, acts of government, and adminiſtration of the ſame, which lawfully belong to the King

King of this realm to uſe, execute, and perform, ſubject to ſuch limitations, exceptions, regulations, and reſtrictions, as are herein-after ſpecified and contained.

AND BE IT ALSO ENACTED by the authority aforeſaid, That no acts of regal power, prerogative, government, or adminiſtration of government, of what kind or nature ſoever, which might lawfully be done or executed by the King's moſt Excellent Majeſty, perſonally exerciſing his royal authority, ſhall, during the continuance of the Regency by this act eſtabliſhed, be valid and effectual, unleſs done and executed in the name and on the behalf of his Majeſty, by the authority of the ſaid Regent, according to the proviſions of this act, and ſubject to the limitations, exceptions, regulations, and reſtrictions herein contained.

AND BE IT FURTHER ENACTED by the authority aforeſaid, That the ſaid Regent, before he ſhall act, or enter upon his ſaid office of Regent, ſhall take the following oath of office:

"I Do ſolemnly promiſe and ſwear, That I will truly and faithfully execute the office of Regent of the kingdom of Great Britain, according to an act of Parliament paſſed in the twenty-ninth year of the reign of his Majeſty King George the Third, intituled, *An act to provide for the care of his Majeſty's royal perſon, and for the adminiſtration of the royal authority, during the continuance of his Majeſty's illneſs*; and that I will adminiſter, according to law, the power and authority veſted in me by virtue of the ſaid act, and will in all things, to the utmoſt of my power and ability, conſult and maintain the ſafety, honour, and dignity of his Majeſty, and the welfare of his people.

"So help me GOD."

Which oath ſhall be taken before his Majeſty's moſt honourable Privy Council, who are hereby required and impowered to adminiſter the ſame, and to enter the ſame in the books of the ſaid Privy Council.

AND BE IT FURTHER ENACTED by the authority aforeſaid, That the ſaid Regent ſhall be deemeed and taken to be a perſon

a perſon having and executing an office and place of truſt within England, and ſhall take and ſubſcribe ſuch oaths, and make and ſubſcribe ſuch declaration, and do all ſuch acts as are required by the laws and ſtatutes of this kingdom to qualify perſons to hold offices and places of truſt, and to continue in the ſame, in ſuch manner as in and by the ſaid laws and ſtatutes are required, and under ſuch pains, penalties, forfeitures, and diſabilities, as are therein and thereby appointed and ordained.

AND BE IT ALSO ENACTED by the authority aforeſaid, That it ſhall be lawful for the ſaid Regent to take and ſubſcribe ſuch oaths, and make and ſubſcribe ſuch declaration, in and before his Majeſty's moſt honourable Privy Council; and that the certificate of his having received the Sacrament of the Lord's Supper in any of the royal chapels ſigned by the perſon adminiſtering the ſame, ſhall be regiſtered in the books of the ſaid moſt honourable Privy Council; and that ſuch taking and ſubſcribing the ſaid oaths, and making and ſubſcribing the ſaid declaration, and taking the Sacrament of the Lord's Supper as aforeſaid, ſhall be, to all intents and purpoſes, as effectual as if the ſame had been reſpectively taken, made, and ſubſcribed in the manner now required by law for the qualification of perſons to hold offices and places of truſt, and to continue in the ſame.

AND BE IT ENACTED by the authority aforeſaid, That nothing in this act contained ſhall extend, or be conſtrued to extend, to impower the ſaid Regent, in the name and on the behalf of his Majeſty, to give the royal aſſent to any bill or bills in parliament, for repealing, changing, or in any reſpect varying the order and courſe of ſucceſſion to the crown of this realm, as the ſame ſtands now eſtabliſhed in the illuſtrious houſe of Hanover, by an act paſſed in the twelfth year of the reign of king William the third, intituled, *An act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubject*; or to any act for repealing or altering the act, made in the thirteenth year of the reign of king Charles the ſecond, intituled, *An act for the uniformity of publick prayers and adminiſtration*

niſtration of ſacraments, and other rites and ceremonies, and for eſtabliſhing the form of making, ordaining, and conſecrating Biſhops, Prieſts, and Deacons, in the church of England; or the act of the fifth year of the reign of queen Anne, made in Scotland, intituled, *An act for ſecuring the proteſtant religion, and preſbyterian church government.*

PROVIDED ALSO, AND BE IT ENACTED by the authority aforeſaid, That if his ſaid Royal Highneſs George Auguſtus Frederick, Prince of Wales, ſhall not continue to be reſident in Great Britain, or ſhall at any time marry a papiſt, then, and in either of ſuch caſes, all the powers and authorities veſted in his ſaid Royal Highneſs, by virtue of this act, ſhall ceaſe and determine.

PROVIDED ALWAYS, AND BE IT ENACTED by the authority aforeſaid, That his Royal Highneſs ſhall not have or exerciſe any power or authority to grant, in the name and on the behalf of his Majeſty, any rank, title, or dignity of the peerage of this realm, by letters patent, writ of ſummons, or in any other manner whatever, or to ſummon any perſon to the Houſe of Lords by any title to which ſuch perſon ſhall be the heir apparent, or to appoint any ſuch rank, title, or dignity, which now is, or hereafter ſhall be, in abeyance, to any of the coheirs thereof.

PROVIDED NEVERTHELESS, AND BE IT ENACTED, That it ſhall be lawful for his ſaid Royal Highneſs to grant, in the name and on the behalf of his Majeſty, any rank, title, or dignity of the peerage of this realm to ſuch of his Majeſty's royal iſſue as ſhall have attained the full age of twenty-one years.

PROVIDED ALSO, AND BE IT ENACTED by the authority aforeſaid, That the ſaid Regent ſhall not have power or authority to grant, in the name and on the behalf of his majeſty, any office or employment whatever in reverſion, or to grant for any longer term than during his Majeſty's pleaſure, any office, employment, ſalary, or penſion whatever; ſave only that it ſhall be lawful for the ſaid Regent to grant, in the name and on the behalf of his Majeſty, all ſuch offices and employments in poſſeſſion for the term of the natural life, or during

the good behaviour, of the grantee or grantees thereof reſpectively, as by law muſt be ſo granted.

AND BE IT FURTHER ENACTED by the authority aforeſaid, That the ſaid Regent ſhall not have power, in the name and on the behalf of his Majeſty, to make any gift, grant, alienation, leaſe, or other aſſurance, to any perſon or perſons, body politic or corporate, whatever, under the Great Seal of Great Britain, Exchequer Seal, Seals of the duchy or county palatine of Lancaſter, or any of them, or by copy of court roll, or otherwiſe, of any manors, meſſuages, lands, tenements, rents, tythes, woods, or other hereditaments, now belonging, or hereafter to belong, to his Majeſty, or to any perſon or perſons in truſt for his Majeſty, in poſſeſſion, reverſion, remainder, uſe, or expectancy, whether the ſame be, or ſhall be, in right of the Crown of Great Britain, or as part of the principality of Wales, or of the duchy or county palatine of Lancaſter, or otherwiſe howſoever, whereby any eſtate or intereſt whatſoever, in law or equity, ſhall or may paſs from his Majeſty; but that every ſuch gift, grant, alienation, leaſe, or other aſſurance, ſhall be null and void, without any inquiſition, *ſcire facias*, or other proceeding, to determine and make void the ſame, unleſs ſuch grant, leaſe, or aſſurance, ſhall be made of ſuch lands, tenements, and hereditaments, and none other, as have been uſually demiſed within the ſpace of ten years laſt paſt, or ſhall be made for the renewing of any grant, leaſe, or other aſſurance, now ſubſiſting, of the lands, tenements, or hereditaments aforeſaid, according to the ſeveral proviſions, regulations, and reſtrictions of an act paſſed in the year of the reign of Queen Anne, intituled, *An act for the better ſupport of her Majeſty's houſehold, and of the honour and dignity of the Crown:* PROVIDED ALWAYS, That this act, or any thing herein contained, ſhall not extend to diſable the ſaid Regent to make any grant or reſtitution of any eſtate or eſtates hereafter to be forfeited for any treaſon or felony whatever; or to diſable the ſaid Regent to grant, demiſe, or aſſign any lands, tenements, or hereditaments, which ſhall be ſeized or taken into his

Majeſty's hands upon any outlawry, at the ſuit of his Majeſty or his ſubjects, in ſuch manner as hath been uſual; or any eſtate whatever, which is or ſhall be ſeized, extended, or taken in execution, for any debt owing or to be due to the crown, as the ſaid Regent on the behalf of his Majeſty ſhall think fit; or to make any grants or admittances, which of right or cuſtom ought to be made, of any copyhold or cuſtomary lands, tenements, or hereditaments, parcel of any manor or manors of his Majeſty.

AND BE IT ALSO ENACTED by the authority aforeſaid, That the ſaid Regent ſhall not have power to grant or alienate any part of the perſonal eſtate to his Majeſty belonging, but that every ſuch grant or alienation ſhall be void and of none effect: PROVIDED ALWAYS, That this act, or any thing therein contained, ſhall not extend to diſable the ſaid Regent from exerciſing, in the name and on the behalf of his Majeſty, all and every the rights, privileges, powers, and prerogatives, over the ſmall branches of his Majeſty's hereditary revenue herein after mentioned: that is to ſay, The monies ariſing by fines for writs of covenant, or writs of entry, payable in the Alienation Office; the monies ariſing by the poſt fines; the monies ariſing by ſheriffs proffers and compoſitions in the Exchequer, and ſeizures of prohibited and uncuſtomed goods, in like manner as the ſame are reſerved to his Majeſty, by virtue of an act made and paſſed in the firſt year of his Majeſty's reign, intituled, *An act for the ſupport of his Majeſty's houſehold, and of the honour and dignity of the Crown of Great Britain*; or to diſable the ſaid Regent from remitting, mitigating, or pardoning, in the name and on the behalf of his Majeſty, any penalty or forfeiture incurred, or to be incurred, of any ſum or ſums of money become, or which ſhall become, due or forfeited to his Majeſty, which by law may be remitted, mitigated, or pardoned: PROVIDED ALSO, That this act, or any thing therein contained, ſhall not diſable the ſaid Regent from iſſuing and applying all ſuch monies as now are or ſhall be applicable to the civil government of the realm, by virtue of any act or acts of Parliament made or to be made.

AND

AND BE IT ENACTED by the authority aforeſaid, That the ſeveral letters patent, letters of privy ſeal, and all other lawful authorities, of what nature or kind ſoever, which have been granted or iſſued by his Majeſty, by virtue whereof any payments of any ſum or ſums of money are directed to be made out of the monies applicable to the uſe of his Majeſty's civil government, for the uſe of the Queen's moſt Excellent Majeſty, or for the uſe of any of the branches of his Majeſty's royal family, ſhall continue to be, and the ſame are hereby enacted to continue to be of full force and effect reſpectively, during the continuance of the Regency by this act eſtabliſhed; and that warrants ſhall be iſſued by the Lord High Treaſurer, or Lords Commiſſioners of the Treaſury, for the payment of the ſeveral ſums therein reſpectively contained, which warrants the ſaid Lord High Treaſurer, or Lords Commiſſioners of the Treaſury, are hereby reſpectively required to iſſue at the uſual and accuſtomed times, and in the uſual and accuſtomed manner.

AND BE IT FURTHER ENACTED by the authority aforeſaid, That the Lord High Treaſurer, or the Lords Commiſſioners of the Treaſury, ſhall from time to time direct ſo much of the monies of the Civil Liſt revenues to be iſſued at the receipt of the Exchequer, as ſhall be ſufficient to pay the whole of the expences incurred in each quarter, and the ſeveral departments of his Majeſty's houſhold, in the ſame order, and in like manner as is directed by an act made in the twenty-ſecond year of his Majeſty's reign, intituled, *An act for enabling his Majeſty to diſcharge the debt contracted upon his Civil Liſt revenues, and for preventing the ſame from being in arrear for the future, by regulating the mode of payments out of the ſaid revenues, and by ſuppreſſing or regulating certain offices therein mentioned, which are now paid out of the revenues of the Civil Liſt*; provided that the whole amount of ſuch expences, at the end of each quarter, ſhall not exceed by more than three thouſand pounds the amount of the expences of the ſaid departments at the end of the correſponding quarter, in the year one thouſand ſeven hundred and eighty-eight, and that the

whole of the expence of any one year, from the fifth day of January to the fifth day of January in the ſucceeding year, ſhall not exceed the whole expence of the ſaid departments in the year ending on the fifth day of January, one thouſand ſeven hundred and eighty-nine.

PROVIDED ALWAYS, AND BE IT ENACTED by the authority aforeſaid, that it ſhall and may be lawful for the ſaid Regent, in the name and on the behalf of his Majeſty, to make any ſuch grant or grants of, or charge or charges upon, the ſeveral and reſpective duties and revenues which are payable to his Majeſty in that part of Great Britain called Scotland, as his Majeſty can now lawfully make of ſuch duties and revenues; ſave and except, that it ſhall not be lawful for the ſaid Regent to make any grant or grants thereof, or charge or charges thereupon, in the name and on the behalf of his Majeſty, for any longer time or term than during the pleaſure of his Majeſty.

AND BE IT FURTHER ENACTED by the authority aforeſaid, That the Lord High Treaſurer, or Lords Commiſſioners of the Treaſury, ſhall direct, and they are hereby required annually to direct, on or before the 27th day of April, the ſum of ſixty thouſand pounds to be iſſued out of the monies of the Civil Liſt revenue, to the keeper of his Majeſty's privy purſe for the time being; and that the ſaid keeper of his Majeſty's privy purſe ſhall be, and he is hereby authoriſed and directed, during the continuance of the regency by this act eſtabliſhed, to iſſue and apply the ſum of twelve thouſand pounds in the year, in ſuch yearly, half-yearly, or quarterly payments, to ſuch perſons, and in ſuch manner, as he has iſſued and applied the ſame by the authority and direction of his Majeſty, and that he ſhall pay, and he is hereby authoriſed and directed to pay, the ſum of one thouſand pounds at the expiration of each and every quarter, to ſuch perſons as her moſt Excellent Majeſty the Queen ſhall, by an inſtrument ſigned and ſealed by her Majeſty, authoriſe and direct to receive the ſame, to be by her Majeſty's direction applied in ſuch gifts, charities, and allowances, as her Majeſty may judge the ſame would

have

have been applied to by his Majeſty, and that the remainder of the aforeſaid ſum ſhall be inveſted by the ſaid keeper of his Majeſty's privy purſe in ſome of the public funds or government ſecurities, in the name of the keeper of his Majeſty's privy purſe for the time being, in truſt for his Majeſty; and that the net ſurplus of the revenues of the duchy and county palatine of Lancaſter ſhall be from time to time paid, under the order of the chancellor and council of the ſaid duchy, into the hands of the keeper of his Majeſty's privy purſe, whoſe receipt ſhall be a ſufficient diſcharge for the ſame, and ſhall by him be inveſted in ſome of the public funds or government ſecurities, in manner aforeſaid; and that the governor and company of the bank of England ſhall place the ſaid ſeveral ſums on an account to be raiſed in the books of the ſaid governor and company, intituled, *The account of the keeper of his Majeſty's privy purſe*; and that upon the death, reſignation, or removal of the preſent and every other keeper of his Majeſty's privy purſe, hereafter to be appointed, all and every the ſaid ſtock or ſtocks, and ſum or ſums of money ariſing from the dividends which ſhall accrue thereon, ſhall immediately veſt in the ſucceſſor of the preſent or any future keeper of his Majeſty's privy purſe reſpectively; and the keeper of his Majeſty's privy purſe for the time being is hereby required to lay out and inveſt the dividends, ſo accruing as aforeſaid, from time to time, in the purchaſe of other ſtocks and ſecurities on the like account; and that the keeper of his Majeſty's privy purſe for the time being ſhall, from time to time, execute declarations of truſt of all ſuch funds and ſecurities, declaring that the ſame are held in truſt for his Majeſty, by inſtruments to be executed under his hand and ſeal, to be depoſited with her Majeſty.

PROVIDED ALWAYS, AND BE IT ENACTED by the authority aforeſaid, that the ſaid keeper of his Majeſty's privy purſe ſhall, on or before the twenty-ſeventh day of April one thouſand ſeven hundred and ninety, and on or before the twenty-ſeventh day of April in every ſucceeding year during the

continuance of this act, take an oath before the barons of the Exchequer, or one of them, in the form following:

" I *A. B.* do ſwear, That, according to the beſt of my know-
" ledge, belief or information, no part of the money which
" has been iſſued to me for the ſervice of his Majeſty's privy
" purſe, by virtue of an act, intituled, *An act to provide for*
" *the care of his Majeſty's royal perſon, and for the adminiſtration*
" *of the royal authority, during the continuance of his Majeſty's*
" *illneſs*, between the day of and
" the day of has been applied, di-
" rectly or indirectly, for the benefit, uſe, or behoof, of any
" member of the Houſe of Commons, or, ſo far as I am con-
" cerned, applicable, directly or indirectly, to the purpoſe of
" ſupporting or procuring an intereſt in any place returning
" members to parliament.

" So help me GOD."

AND WHEREAS it is neceſſary that proper proviſion ſhould be made for the care of his Majeſty's royal perſon, during the continuance of his illneſs, and for the direction and government of his Majeſty's houſehold, in ſuch manner as the circumſtances of the caſe at preſent appear to require; BE IT THEREFORE ENACTED by the authority aforeſaid, That the care of his Majeſty's royal perſon, during the continuance of his ſaid illneſs, and the diſpoſing, ordering, and managing of all matters and things relating thereto, and alſo the direction and government of his Majeſty's houſehold, ſhall be, and the ſame are hereby veſted in the Queen's moſt Excellent Majeſty; and that her ſaid Majeſty ſhall have the full and ſole power and authority, by an inſtrument in writing, ſigned and ſealed by her Majeſty, to nominate, appoint, or remove, the Lord Steward of his Majeſty's Houſehold, the Lord Chamberlain of his Majeſty's Houſehold, the Maſter of the Horſe to his Majeſty, and the Maſter of the Robes, and Keeper of his Majeſty's Privy Purſe, the Groom of the Stole, the Gentlemen and Grooms of his Majeſty's Bedchamber, and the ſeveral officers in the reſpective departments aforeſaid, whoſe appoint-

ment,

ment, nomination, or removal have been heretofore made by his Majeſty; and that the nomination and appointment of her Majeſty, in the manner and form aforeſaid, ſhall be valid and effectual, to all intents and purpoſes, as if the ſame had been made or done by his Majeſty in the accuſtomed manner and that the ſeveral perſons ſo appointed ſhall be entitled to the like precedence, privileges, ſalaries, wages, profits, and all other emoluments, as the ſeveral perſons now holding and enjoying the ſaid offices are reſpectively entitled to.

AND WHEREAS the execution of the weighty and arduous truſts hereby committed to the Queen's moſt Excellent Majeſty, in reſpect of the care of his Majeſty's royal perſon, and of the diſpoſing, ordering, and managing of all matters and things relating thereto, may require the aſſiſtance of a Council, with whom her Majeſty may conſult and adviſe in the diſcharge of the ſame; BE IT THEREFORE ENACTED by the authority aforeſaid, That in order to aſſiſt and adviſe her ſaid moſt Excellent Majeſty in the ſeveral matters aforeſaid, there ſhall be, during the continuance of his Majeſty's illneſs, a Council, conſiſting of John Lord Archbiſhop of Canterbury, Edward Lord Thurlow, William Lord Archbiſhop of York, Lloyd Lord Kenyon; the Lord Steward of his Majeſty's Houſehold for the time being; the Lord Chamberlain of his Majeſty's Houſehold for the time being; the Maſter of the Horſe to his Majeſty for the time being; and the Firſt Gentleman of the Bedchamber and Groom of the Stole to his Majeſty for the time being; which Council ſhall, from time to time, meet as her Majeſty ſhall be pleaſed to direct; and if it ſhould happen that any of them the ſaid John Lord Archbiſhop of Canterbury, Edward Lord Thurlow, William Lord Archbiſhop of York, and Lloyd Lord Kenyon, ſhould depart this life, then, and in ſuch caſe, it ſhall be lawful for the Queen's moſt Excellent Majeſty, by an inſtrument in writing, ſigned and ſealed by her Majeſty, revokable at her will and pleaſure, to nominate and appoint ſome One perſon, being or having been a member of his Majeſty's moſt honourable Privy Council, to be a member of the ſaid Council, to adviſe and aſſiſt her Majeſty

jeſty as aforeſaid, in the room and place of each and every of the ſaid Councillors ſo departing this life; which nomination and appointment ſhall be forthwith certified by an inſtrument in writing, ſigned and ſealed by her Majeſty, to the Lords of his Majeſty's moſt honourable Privy Council, and ſhall be entered in the books thereof.

AND BE IT FURTHER ENACTED by the authority aforeſaid, That each and every ſuch Councillor ſhall, within the ſpace of one month after his appointment by virtue of this act, or by virtue of her Majeſty's nomination and appointment, in manner aforeſaid, take the following oath before his Majeſty's moſt honourable Privy Council; who are hereby required and impowered to adminiſter the ſame, and to enter the ſame in the books of the ſaid Privy Council:

"I *A. B.* do ſolemnly promiſe and ſwear, That I will truly and faithfully counſel and adviſe the Queen's moſt Excellent Majeſty, according to the beſt of my judgement, in all matters touching the care of his Majeſty's royal perſon, and the diſpoſing, ordering, and managing all things relating thereto.

"So help me GOD."

AND BE IT FURTHER ENACTED by the authority aforeſaid, That the ſaid Council, or any three or more of them, ſhall have power and authority at all times, when they ſhall judge it neceſſary, to call before them, and to examine upon oath, the phyſicians, and all other perſons attendant on his Majeſty during the continuance of his illneſs, touching the ſtate of his Majeſty's health, and all matters relating thereto; which oath any member of the ſaid Council is hereby authorized and impowered to adminiſter.

AND BE IT FURTHER ENACTED by the authority aforeſaid, That if any perſon, being a member of the Houſe of Commons, ſhall accept of any office of profit from the Crown, by the nomination and appointment of her Majeſty the Queen, by virtue of this act, or by the ſaid Regent, in the name and on behalf of his Majeſty, during the continuance of the Regency hereby

hereby eſtabliſhed, his election ſhall be, and is hereby declared to be void, and a new writ ſhall iſſue for a new election in ſuch and the like manner as if ſuch perſon had been appointed to ſuch office by his Majeſty.

AND BE IT FURTHER ENACTED by the authority aforeſaid, That if her Majeſty the Queen ſhall depart this life during the time that the care of his Majeſty's royal perſon ſhall be committed to her Majeſty, according to the proviſions of this act, the ſaid Regent ſhall forthwith order and direct a proclamation, under the Great Seal of Great Britain, to be iſſued and publiſhed, declaring the ſame, and, in caſe the Parliament then in being ſhall then be ſeparated by any adjournment or prorogation, directing that the ſaid Parliament ſhall forthwith meet and ſit, or, if there ſhall be no Parliament in being, then, and in ſuch caſe, directing that the members of the laſt preceding Parliament ſhall forthwith meet and ſit.

AND BE IT ENACTED, That the ſaid members, ſo meeting and ſitting, ſhall be deemed and taken to be the Two Houſes of Parliament, to all intents and purpoſes, as if the former Parliament had not been diſſolved; but that they ſhall not continue to ſit as the ſaid Two Houſes, or be deemed and taken as ſuch, for any longer time than ſix months after the day on which they ſhall ſo meet, and that they ſhall be ſubject to be ſooner prorogued or diſſolved.

AND BE IT ALSO ENACTED by the authority aforeſaid, That, until due proviſion ſhall in ſuch caſe have been made by Parliament for the care of his Majeſty's royal perſon, all and every the powers and authorities in and by this act veſted in her Majeſty, touching the care of his Majeſty's royal perſon, and the diſpoſing, ordering, and managing of all matters and things relating thereto, ſhall be, and the ſame are hereby veſted in the Council in and by this act appointed to aſſiſt and adviſe her Majeſty in the execution of the truſts to her ſaid Majeſty committed by virtue of this act: Provided nevertheleſs, that in ſuch caſe nothing in this act contained ſhall extend, or be conſtrued to extend, to impower the ſaid Regent, or the ſaid Council, to nominate, appoint, or remove any of the ſeveral officers

officers of his Majeſty's houſehold herein mentioned, until due proviſion ſhall have been made by Parliament in that behalf.

AND BE IT FURTHER ENACTED by the authority aforeſaid, That if his Royal Highneſs George Auguſtus Frederick, Prince of Wales, ſhall depart this life during the continuance of the Regency by this act eſtabliſhed, the Lords of his Majeſty's moſt honourable Privy Council ſhall forthwith cauſe a proclamation to be iſſued in his Majeſty's name, under the great ſeal of Great Britain, declaring the ſame, and, in caſe the Parliament then in being ſhall then be ſeparated by any adjournment or prorogation, directing that the ſaid Parliament ſhall forthwith meet and ſit, or, if there ſhall be no Parliament in being, then and in ſuch caſe, directing that the members of the laſt preceding Parliament ſhall forthwith meet and ſit.

AND BE IT ENACTED, That the ſaid members ſo meeting and ſitting ſhall be deemed and taken to be the Two Houſes of Parliament, to all intents and purpoſes, as if the former Parliament had not been diſſolved; but that they ſhall not continue to ſit as the ſaid Two Houſes, or be deemed and taken as ſuch, for any longer time than ſix months after the day on which they ſhall ſo meet.

AND BE IT FURTHER ENACTED by the authority aforeſaid, That when it ſhall appear to her Majeſty the Queen, and to five of the Council appointed by this act to aſſiſt her Majeſty in the execution of the truſt committed to her Majeſty by this act, that his Majeſty is reſtored to ſuch a ſtate of health as to be capable of reſuming the perſonal exerciſe of the royal authority, it ſhall and may be lawful for her ſaid Majeſty, by the advice of five of her ſaid Council, to notify the ſame by an inſtrument under her Majeſty's hand, and ſigned alſo by the ſaid five of her Majeſty's ſaid Council, and addreſſed to the Lord Preſident of his Majeſty's moſt honourable Privy Council for the time being, or, in his abſence, to one of his Majeſty's Principal Secretaries of State; and the ſaid Lord Preſident, or Secretary of State, ſhall, and is hereby required, on the receipt thereof, to communicate the ſame to the ſaid Regent, and to ſummon forthwith a Privy Council; and the members of his Majeſty's

Majeſty's moſt honourable Privy Council are hereby required to aſſemble in conſequence of ſuch ſummons; and the ſaid Lord Preſident, or, in his abſence, the ſaid Secretary of State, is required, in the preſence of any ſix or more Privy Councillors ſo aſſembled, to cauſe the ſaid inſtrument to be entered on the books of the ſaid Privy Council, and immediately thereafter to ſend a copy of ſuch inſtrument to the Lord Mayor of the city of London, and likewiſe to cauſe the ſame to be printed in the London Gazette.

AND BE IT FURTHER ENACTED by the authority aforeſaid, That if at any time after the ſaid inſtrument under the hand of her Majeſty, and of five of her ſaid Council, ſhall have been received and entered as aforeſaid, his Majeſty ſhall think proper, by an inſtrument under his ſign manual, to require the Lord Preſident of his Majeſty's moſt honourable Privy Council for the time being, or, in his abſence, one of his Majeſty's principal Secretaries of State, to ſummon a Council in his Majeſty's preſence, conſiſting of any number of perſons, not leſs than nine, whom his Majeſty ſhall name, not being members of the Council appointed by this act to aſſiſt her Majeſty, and who ſhall be, or ſhall have been, members of his Majeſty's moſt honourable Privy Council, the ſaid Lord Preſident, or Secretary of State, ſhall, and he is hereby required to ſummon ſuch perſons accordingly, and as well the ſaid Lord Preſident, or Secretary of State, as the other perſons ſo ſummoned, ſhall, and they are hereby required to attend at the time and place appointed by his Majeſty, and ſuch perſons ſo aſſembled ſhall be, and be deemed to be, a Privy Council for the purpoſe herein after mentioned.

AND BE IT FURTHER ENACTED by the authority aforeſaid, That if his Majeſty, by the advice of ſix of ſuch Privy Council ſo aſſembled, ſhall ſignify his royal pleaſure to reſume the perſonal exerciſe of his royal authority, and to iſſue a proclamation declaring the ſame, ſuch proclamation ſhall be iſſued accordingly, counterſigned by the ſaid ſix of the ſaid Privy Council; and all the powers and authorities given by this act ſhall from thenceforth ceaſe and determine, and the perſonal exer-

exerciſe of the royal authority by his Majeſty ſhall be and be deemed to be reſumed by his Majeſty, and ſhall be exerciſed by his Majeſty, to all intents and purpoſes, as if this act had never been made.

AND BE IT FURTHER ENACTED by the authority aforeſaid, That if the Parliament in being at the time of the iſſuing ſuch proclamation as aforeſaid ſhall then be ſeparated by adjournment or prorogation, the ſaid Parliament ſhall forthwith meet and ſit, and if there ſhall be no Parliament in being at the time of iſſuing ſuch proclamation as aforeſaid, then, and in ſuch caſe, the members of the laſt preceding Parliament ſhall forthwith meet and ſit.

AND BE IT ENACTED, That the ſaid members ſo meeting and ſitting, ſhall be deemed and taken to be the Two Houſes of Parliament, to all intents and purpoſes, as if the former Parliament had never been diſſolved; but that they ſhall not continue to ſit as the ſaid Two Houſes, or be deemed and taken as ſuch, for any longer time than ſix months after the day on which they ſhall ſo meet, and that they ſhall be ſubject to be ſooner prorogued or diſſolved.

PROVIDED ALWAYS, AND BE IT ENACTED, That ſo much of this act as provides that the ſaid Regent ſhall not have power and authority to grant, in the name and on the behalf of his Majeſty, any office or employment whatever in reverſion, or to grant for any longer term than during his Majeſty's pleaſure, any office, employment, ſalary, or penſion whatever, may be varied or repealed by any act or acts to be made for that purpoſe in this preſent ſeſſion of Parliament, in ſo far only as relates to the granting of any office, employment, ſalary, or penſion, to any perſon appointed to the office of Lord High Chancellor of Great Britain; or to any perſon retiring on account of age or infirmity from the office of Chief Juſtice or Juſtice of the courts of King's Bench or Common Pleas, or Chief Baron or Baron of the court of Exchequer at Weſtminſter.

PROVIDED ALSO NEVERTHELESS, AND BE IT ENACTED, That the ſaid limitation of the power of the ſaid Regent, with reſpect to the granting, in the name and on the behalf of his Majeſty,

Majeſty, any rank, title, or dignity of the peerage of this realm, ſhall continue and be in force for and during the ſpace of three years from the commencement of this act, and no longer.

AND BE IT ENACTED by the authority aforeſaid, That this act, and the ſeveral powers and authorities to be exerciſed by virtue of the ſame, ſhall commence and take effect from and after the eighteenth day of February one thouſand ſeven hundred and eighty-nine.

DEBATES

IN THE

IRISH PARLIAMENT,

ON THE

REGENCY.

HOUSE OF COMMONS.

WEDNESDAY, Feb. 11, 1789.

THE *Attorney General* began by desiring the Clerk to read the Act of the 4th of William and Mary, Chap. 1. Sect. 1.

" For as much as this kingdom of Ireland is annexed and united to the Imperial Crown of England, and by the laws and statutes of this kingdom is declared to be justly and rightfully depending upon, and belonging and for ever united to the same; and the Kings and Queens of England are, by undoubted right, Kings and Queens of this realm, and ought to enjoy the style, title, majesty, power, pre-eminence, jurisdiction, prerogative, and authority of Kings and Queens of the same; and whereas our Sovereign Liege Lord and Lady, King William and Queen Mary, since their happy accession to the Crown of England, with great expence of blood and treasure, and the extreme hazard of his Majesty's royal person, have delivered this their kingdom from the miseries and calamities of an intestine war, and most horrid rebellion raised up among us by the Irish Papists, and instigated, abetted, and supported by the power of the French King, thereby securing us from the danger of popery and arbitrary power, with which we were threatened in a most imminent manner, and have

moſt happily reduced this their kingdom to a ſtate of peace and order; and reſtored to us our laws and liberties, and the free and impartial adminiſtration of juſtice: We, the Lords Spiritual and Temporal, and Commons, in the preſent Parliament aſſembled, in the name of all the people of this kingdom, do, from the bottom of our hearts, with all poſſible thankfulneſs, acknowledge the goodneſs of Almighty God, in raiſing up their Majeſties to deliver and reign over us; of whoſe goodneſs, wiſdom, and courage, we have already found ſuch happy and bleſſed effects."

After the above had been read, the Attorney General proceeded:—Sir, I requeſt of Gentlemen to recollect we are not debating whether we are to lay reſtrictions on the Prince of Wales, or not? We are now to conſider whether the Addreſs moved for, is an inſtrument ſufficient to convey to his Royal Highneſs the regal authority? and whether it be ſuch an Addreſs as we ought to preſent?

Before I proceed, I muſt obſerve that I am perfectly convinced that what I ſhall ſay will have no manner of effect on Gentlemen who form the Government on the other ſide of the Houſe; for let them propoſe whatever Addreſs they may think fit, I am ſatisfied it will be voted; and therefore I would not have riſen to trouble the Committee upon this ſubject, if I did not conſider it a duty which I owe to the lawful Sovereign of this realm, and to the illuſtrious Prince to whom we are about to commit his powers, to apprize the abettors of this Addreſs, that they are about to force upon us a meaſure which, if carried into effect, will be a direct breach of the common ſtatute law of this realm, and criminal in the extreme.

Gentlemen who ſupport this Addreſs talk with great flippancy of the Conſtitution, and of the principles of the Conſtitution. There is nothing ſo eaſy as to talk of the Conſtitution; but if Gentlemen who have talked ſo loudly on this ſubject know the principles of the Conſtitution, which they profeſs ſo much anxiety to preſerve, I could wiſh they had taken the trouble to ſtate them, and to ſhew that this Addreſs

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can be reconciled to any principle of our Law and Conſtitution. Before I ſhall preſume to argue upon this ſubject, I will ſtate what I conſider to be the principles of the Conſtitution of Ireland; if I miſtake them, I preſume I ſhall be corrected. I conſider the Parliament of Ireland as perfectly independent of the Parliament of England, and the Crown of Ireland as inſeparably annexed to, and dependent upon, the Crown of England. The independence of the Parliament of Ireland is her freedom; the dependence of the Crown of Ireland is her ſecurity for that freedom; and Gentlemen who talk ſo loudly on this night of their independence, will pleaſe to recollect that the independence of the Crown of Ireland is ſeparation from Britain. That if we are to remain connected with Great Britain, that connection can exiſt only by the dependence of the Iriſh Crown upon the Crown of England, or by the union of the Parliament of Ireland with the Parliament of England. That if we are to diſunite the Imperial Crowns of Great Britain and Ireland, we are driven to the choice of ſeparation from Great Britain altogether, or of a union with their Parliament. And God forbid that I ſhould live to ſee this country driven to the fatal alternative. If I ſhould, I do not ſcruple to declare, that I ſhall not heſitate to embrace an union with the Parliament of Great Britain.

In the year 1782, when his Majeſty was graciouſly pleaſed to ſend a meſſage to the Commons of Ireland by the Duke of Portland, to know what were the cauſes of the diſcontents of his people of Ireland; they were ſtated to be, "the claims of the Britiſh Parliament to make laws to bind this country—a perpetual Mutiny Bill—and the power exerciſed by the Iriſh Privy Council, of altering and ſtopping heads of bills which had paſſed the two Houſes of Parliament." The firſt of theſe grievances has been done away by a ſolemn dereliction of the claim by the Britiſh Parliament. That which reſpected the paſſing of Bills was to be redreſſed by an Act of the Legiſlature of Ireland. And for this purpoſe you have paſſed a law, enacting that all Bills which paſs the two Houſes of Parliament, ſhall be certified without alteration by the Lord Lieutenant

and Council under the Great Seal of Ireland to his Majeſty; and that the ſame, when returned without alteration, addition, or diminution, *under the Great Seal of England*, and none other, ſhall paſs into laws in the Parliament of this Kingdom. By this act you have wiſely made the Great Seal of England eſſentially and indiſputably neceſſary to the paſſing laws in Ireland; you cannot paſs any Bill into a law in this country, without certifying it into England, and having it returned to you under the Great Seal of England, inſomuch that if his Majeſty ſhould come into Ireland, and hold a Parliament here in perſon, he could not paſs a Bill without firſt certifying it to his Regent of England, who muſt return it to his Majeſty under his Great Seal of England, before he could give his royal aſſent to it in the Parliament of Ireland. And I repeat that there is great wiſdom in this ſtatute; it operates as a ſtrong bond of union between this country and Great Britain, and I truſt it will continue ſo to operate to the end of time. It has been roundly aſſerted, that his Majeſty, under this ſtatute, affixes the Great Seal of England to our Bills, as King of Ireland; and in proof of this aſſertion, the perſonal merits of the Gentleman who framed the Act are quoted: certainly that Gentleman is a very able lawyer, and as honeſt a man as lives; and I am firmly perſuaded, that his intentions were, that this Act ſhould have the full effect which I aſcribe to it. But it is rank nonſenſe to ſay, that the King of England affixes the Great Seal of England to any inſtrument, as King of Ireland. The Great Seal of England is the organ by which the King of England ſpeaks; the Great Seal of Ireland is the organ by which the King of Ireland ſpeaks: and therefore, by your own law, his Majeſty legiſlates for Ireland, as head of the empire. And from the moment that a Regent is appointed for Great Britain, the legiſlative capacity of the Parliament of Ireland is full and complete. As well might you ſay, that as King of Ireland he affixes the Great Seal of England to treaties of peace, alliance, or commerce, which include Ireland. I have ſtated, that his Majeſty could not, were he here in perſon, paſs an Act without firſt having the Great Seal of England affixed thereto. Let me

now

now for a moment ſuppoſe, that we, in the dignity of our independence, appoint a Regent for Ireland, being a different perſon from the Regent of England; a caſe not utterly impoſſible, if the Gentlemen inſiſt on our appointing the Prince of Wales, before it ſhall be known whether he will accept the Regency of England; and ſuppoſe we ſhould go farther, and deſire him to give the royal aſſent to Bills, he would ſay, My good people of Ireland, you have by your own law made the Great Seal of England abſolutely and eſſentially neceſſary to be affixed to your Bills, before they can paſs into laws in Ireland; that Seal is in the hands of the Chancellor of England, who is a ſturdy fellow; he is an officer under the Regent of England; I have no manner of authority over him; he will not *lend* me the Great Seal of England to affix to your Bills; and ſo, my very good people of Ireland, you had better apply to the Regent of England, and requeſt that he will order the Chancellor of England to affix the Great Seal of England to your Bills; otherwiſe, my very good people of Ireland, they cannot paſs into laws; I have no legiſlative authority whatever as your Regent.

We are told in a very learned and elaborate ſpeech, that the penalty of *premunire* is annexed to the crime of both, or either of the two Houſes, attempting to legiſlate without the conſent of the King; and the remedy propoſed by the learned author of the ſpeech, is, to avoid the danger of the ſtatute, by appointing a Regent of our own by Addreſs. I paſs by this ſagacious expedient for avoiding the penalties of the ſtatute. However, I ſhall thank the ſupporters of this Addreſs, if they will point out to me, in what book of authority they have diſcovered, that the office of a Regent of England or Ireland is recogniſed by the common law, or that they have diſcovered the powers annexed to ſuch an office by the common law. The fact is, that in no two inſtances in which the Royal powers have been delegated, have they been granted in the ſame extent. And there is not an inſtance in the annals of England, in which full Royal powers have been aſſumed by a perſon who did not claim the crown in poſſeſſion, except by the murderous uſurper Richard. And by

the ſettled law of this land, if you look for the powers which are to be exerciſed by a Regent, or a guardian of the realm, you muſt look to the inſtrument by which his powers are created; and, by the ſettled law of this land, theſe powers can be created only by ſtatute, or by commiſſion, under the Great Seal of England. What then are we about to do on this night?—Without a tittle of evidence upon which a Houſe of Parliament can proceed—without examination, enquiry, or deliberation—without any communication with the government of Great Britain—we are about to addreſs the Heir Apparent of the Crown of Great Britain, of his own authority, or, if you will, of our authority, to aſſume the powers of government, which, at this hour, are lawfully and rightfully veſted in *his* King, and in our King. And if this Addreſs ſhall ever find its way to the Prince of Wales, it will ſtartle the boldeſt adventurer in England: and when a moment of reflection ſhall come, this will ſtartle every loyal ſubject of Ireland.

Let me remind Gentlemen of the language which they held at the period when England complied with every thing which we deſired—"Common fortune," "perpetual connection," "we will riſe and fall with England," "no conſtitutional queſtion can hereafter ariſe between the two countries." What is the language now on a great queſtion of imperial policy? We will not wait for the deciſion of England. If we wait for her deciſion, we give up our independence. We will not even condeſcend to receive authentic information of the proceedings of the Britiſh Parliament, ſo far as they have gone. If we receive this information we give up our dignity. What was the argument which forced the memorable fourth propoſition upon us, in 1785? Ireland is an independent country; if we open our ports to her without limitation, if we ſhare our commerce with her, what ſecurity have we, that ſhe will follow us in regulations of imperial policy? If this treaty be concluded without ſuch ſecurity, and Ireland ſhall think fit to adopt regulations for her trade and navigation different from ours, it muſt bring on a war with Ireland, or an union; and there was great force in the argument. And we are about to

prove,

prove, that the Gentleman who uſed it, was perfectly well acquainted with the diſpoſitions of his countrymen. For certainly, Sir, if it is to be a point of dignity and independence with the Parliament of Ireland to take the lead in queſtions of empire, and to differ with Great Britain, to ſhew our dignity and independence, it muſt bring on an union with England, or a war; and if this precipitate meaſure is abetted by men of authority in England, it is abetted with a view to bring about an union with the Parliament of England, and certainly it is the ſtrongeſt foundation which can be made for ſuch a meaſure. If all the ſluices of corruption were opened upon the two Houſes of Parliament, ſuch a meaſure could never be forced upon this country, unleſs the landed gentlemen of Ireland ſee that the government of this country becomes impracticable in its preſent form, and that they muſt ſubmit to an union, or ſee this wretched iſland become a ſtake for England and France to fight for.

The *Secretary of State* ſaid, that he lamented he was under the neceſſity of differing from thoſe gentlemen, with whom he commonly acted, as to the mode ſuggeſted by them, of appointing a Regent; he thought it ſhould be done by an Addreſs, and that it could not be done by an Act of Parliament, though he agreed that an Act of Parliament might be proper to give the forms of law to the appointment of the two Houſes of Parliament; but this was proper only becauſe judges looked into the ſtatute-book, and not into the journals of Parliament, for their direction in expounding the law: but he affirmed, that the Lords and Commons of Ireland, whether aſſembled in Parliament or in Convention, are fully competent to ſupply every deficiency in the ſupreme executive, from whatever cauſe ſuch deficiency may ariſe; they had this power, becauſe they repreſented the three eſtates of the realm, and, he ſaid, thoſe principles appeared from the authority of Sir Edward Coke, in his beſt conſtitutional work, publiſhed at the deſire of the Long Parliament; but theſe great principles were eſtabliſhed beyond controverſy, by the great precedent of the Revolution; in that inſtance, the two Houſes ſupplied the defect in the exe-

cutive, by veſting the Prince of Orange with the full powers of the Crown; this was done without condition or reſtriction; they enumerated their grievances, but they thought it neceſſary to ſupply the deficiency in the executive power, before they redreſſed them; the vacancy of the Throne did not affect the queſtion of the power of the two Houſes, ſo far as it related to the ſupply of the deficiency in the executive; the Lords, who at firſt voted that the Throne was not vacant, agreed as to the power of the two Houſes; and the diſtinction attempted as to the vacancy of the Throne, applied nominally to the regency, but really to the ſucceſſion. He affirmed, that the two Houſes acted in this reſpect in their repreſentative and not in their legiſlative capacity: it was clear what the two Houſes could do, and what they could not do; they may ſupply a deficiency in the third eſtate; but when they have done this, they are *functi officiis*; their power extends no farther; they cannot proſtrate, though they may rebuild; they may ſupply the main ſpring, but they cannot make a new machine; they may ſupply a defect in the exerciſe of royal power, but they cannot change the conſtitution: he compared it to grants from the Crown, where, if the King annexed a condition or reſtriction, reſtricting the legal powers of the office, the grant was good and the condition void; it was, he ſaid, like the execution of powers by individuals, who could do the act which they were empowered to do; but if they annexed a condition, to which the power did not extend, the condition was in itſelf a nullity. No precedent exiſted, he ſaid, of ſupplying a deficiency in the third eſtate by the legiſlature; in the precedents in the reign of Henry the Sixth, the legiſlature was full, and being ſo, proceeded to reſtrictions; and the legiſlature was full, not by fiction, for he conſidered the acts of the Privy Council in directing, and of Chancellors in iſſuing writs, for the meeting of Parliament, and in the appointment of a Commiſſioner to meet that Parliament, as very different from the conduct of the two Houſes of Parliament creating by their authority a fictitious third eſtate; becauſe, in the former inſtance, the perſons directing the Great Seal to be uſed, and the officer uſing it, are reſponſible to the

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two Houſes of Parliament for any abuſe of their official powers; but the two Houſes of Parliament, if they exceed their conſtitutional powers, are under no check or controul. The Chancellor, in the time of Henry the Sixth, and Lord Hardwicke, in the year 1754, acted honeſtly and boldly, in affixing the Great Seal to Letters Patent, appointing Commiſſioners to meet the Parliament; but that the two Houſes of Parliament ſhould appoint a Commiſſioner to meet themſelves, appeared to him to be a fiction, not warranted by precedent or by reaſon; but in this kingdom, a Regent could not be appointed by Act of Parliament.—To every Bill in this kingdom, beſides the aſſent of the two Houſes, three things were neceſſary: the Great Seal of Ireland, and the Great Seal of England, which muſt be affixed to every Bill before it can paſs into a law; but a third requiſite was indiſpenſable, namely, a Commiſſion for giving the Royal Aſſent; ſuch a Commiſſion was annexed to every Bill, and it could only be granted to the Regent of Ireland; and therefore no law could paſs in this kingdom till a Regent ſhould be firſt appointed.

Would any man ſay, that the Regent of England could, as ſuch, give the Royal Aſſent to an Iriſh Bill; or that if he had not the power of doing it by himſelf, he could grant a Commiſſion to any other perſon to do it? He further obſerved, that reſorting to the Great Seal of England, which muſt be done, if the mode of originating this meaſure by an Act of Parliament was practicable, was a meaſure unneceſſary in itſelf, and for the moſt obvious reaſons highly inexpedient. If they could not appoint a Regent by an Act of Parliament directly, they ought not to do it fictitiouſly; a mode of proceeding which Houſes of Parliament had never heretofore adopted: but it could not be done by any fiction in this country, for though we took upon ourſelves to direct the functions of the Chancellor of Ireland, we could not direct thoſe of England; and if we could, whatever was done by the order, and under the authority of the two Houſes, muſt be conſidered as done by the two Houſes themſelves, and would be nothing more than a vote of the two Houſes in a different form: but even if they had

had the power of ſupplying the ſupreme executive by an Act of Parliament, which they certainly had not, yet they ought to prefer the mode of Addreſs, as being the moſt immediate. The neceſſity was urgent; protection was the ſource of allegiance; the people of Ireland were entitled to the protection of a Monarch, or of a perſon empowered to exerciſe all the Royal functions, and that conſtitutional protection they had not at preſent: for a delegated Government, not under the control and direction of the Monarch, was not the Conſtitution of this kingdom. Thoſe who reſorted to an Act of Parliament, had in view the reſtrictions more than the appointment of a Regent; and therefore they legiſlated well, convinced that nothing but the legiſlature could reſtrict. He ſaid, the country had a right to expect that thoſe who had been many years converſant in the law and in the uſages of Parliament, ſhould deliver their ſentiments upon a ſubject of ſo much importance and novelty; and declared that he never gave an opinion from clearer conviction than in agreeing with the motion for an Addreſs to his Royal Highneſs the Prince of Wales, requeſting him to aſſume the exerciſe of the Royal functions, as the only conſtitutional and practicable mode of proceeding.

In reply to the Attorney General, he affirmed, that the Acts annexing the Crown of Ireland to the Crown of England, did not apply to the preſent queſtion, unleſs it was affirmed, that the Regency of Ireland was inſeparably annexed to the Regency of England, which no man would venture to affirm. The Great Seal of England made no difference in the queſtion, whether it ſhould be affixed by the Regent of England in that capacity, or as Regent of Ireland; for a ſtill farther act remained to be done, namely, the grant of a commiſſion to give the Royal Aſſent. He was ſurpriſed to hear it aſſerted, that this Commiſſion was a work of ſupererogation; he affirmed, without ſuch a Commiſſion the Bill could never paſs into a law, and inſiſted, that to maintain the opinion of the Right Hon. Gentleman, he muſt eſtabliſh one of theſe propoſitions: either that the Regent of England could grant a Commiſſion for giving the Royal Aſſent to Bills in Ireland; or, that the Royal

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Aſſent to Bills in Ireland was unneceſſary, or that it was not neceſſary to give it in Parliament. He affirmed, that the Act of 1782 made no alteration as to the manner of paſſing laws; the Great Seals of the two kingdoms were as unneceſſary before as after paſſing that Act; its object was the prevention of alteration by the Privy Council of either kingdom, and therefore it enacts, that the Bills paſſed by the two Houſes ſhould be certified under the Great Seal of this kingdom, without alteration, and ſhould be returned from England in the like manner, and that ſuch Bills, and no others, ſhould paſs in Parliament here; that this Act does in no ſort interfere with the Royal Aſſent, but ſuppoſes that it is to be given, as heretofore, by the words, "paſſed in Parliament;" and he preſumed it would not be contended, either that ſuch an indiſpenſable requiſite as the Royal Aſſent to a law ſhould be taken away without an expreſs Act of Parliament for that purpoſe, which would be a law ſubverſive of the Conſtitution; or, that the affixing the Great Seal of England, in the Privy Council of Great Britain, to an Iriſh Bill, was giving the Royal Aſſent to ſuch a Bill, which aſſent can only be given in full Parliament.

He then adverted to ſomething that had fallen in debate from other Gentlemen, of favours received from the Crown, of deſerting the King in his infirmities, and of the puniſhment that would await ſuch tranſgreſſion on the recovery of the Sovereign. This kingdom, he ſaid, was not ſo circumſtanced as to attend to the care of his Majeſty's Royal Perſon in his preſent unhappy ſtate. No man would, or ought to have gone further than he himſelf in the performance of this duty; but the only attention in the power of that Houſe to ſhew to the infirmity of their Sovereign, was to ſupply the deficiency in the ſupreme executive, by requeſting the Heir Apparent to exerciſe the Royal functions during his Majeſty's illneſs. He had the moſt entire conviction, that on his Majeſty's recovery, he would expreſs his Royal approbation, that this was done immediately, without impoſing any diſgraceful reſtrictions on his Heir Apparent: and he had this conviction on two grounds;

grounds; becauſe his Majeſty had been always pleaſed with that conduct in his principal ſervants, that tended moſt effectually to promote the happineſs of his people; and becauſe that Great Perſonage who muſt be ſuppoſed to be beſt acquainted with his Majeſty's ſentiments, has been pleaſed to mention, if we can depend upon the public prints, that ſuch would be found to be the diſpoſition of our Sovereign; but if his Majeſty's Miniſters ſhould, on the reſtoration of his health, adviſe his Majeſty to give any marks of his royal diſpleaſure to ſuch of his ſervants, as on a great national and conſtitutional ſubject followed the conviction of their judgments, he would patiently abide it, and would never wiſh to ſerve with ſuch Miniſters. He reminded the Houſe that he had frequently, on great commercial and conſtitutional queſtions, differed from his Majeſty's Miniſters, and would be ever ready to do ſo, and to ſtake whatever he or his family poſſeſſed under the Crown, in following the decided dictates of his judgment. He acknowledged, with the deepeſt ſenſe of gratitude, the great favours which he had received from his Majeſty, whom he had had the honour of ſerving for twenty-eight years, and was now one of his oldeſt ſervants in the ſtate or law; that he had ſerved his Sovereign with diligence and fidelity, and thought that the beſt return to be made for Royal favours was, an honeſt performance of the important and arduous truſts repoſed in him by his Sovereign, and a perſeverance in ſupporting the dignity and ſtrength of his Majeſty's Government, and the happineſs and proſperity of his people. In reſpect to perſonal attacks, which he was informed had been made in his abſence by a Gentleman not known to him, he would only ſay, that if that Gentleman thought it of any advantage to him, or his argument, he had not the leaſt objection to his taking that liberty; but it certainly would be of no advantage to him or his argument, to take the ſame liberty with that Gentleman; but as a revenue office which he held had been mentioned, he thought it neceſſary to explain that matter to the Houſe. He ſaid, he was a purchaſer of that grant from the Crown, he did not mean

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for money, and had refuſed to accept of the grant, unleſs the conſideration for it, which far exceeded the value of the grant, was recited in the Letters Patent, which has been accordingly done; and if it ſhould ever be neceſſary to lay down any rule for leſſening the national expences, to which the circumſtances of this grant may not be thought to furniſh a juſt exception, he ſhould be found ready to ſupport ſuch meaſures, without regard to any intereſt of his own.

The *Attorney General* denied, that denunciations of vengeance were held out by Adminiſtration.

Mr. *Curran* ſaid, if he did not pay more attention to the Gentleman as a prophet, than as a lawyer, he ſhould not notice his new doctrine; for before he broached it, he declared it would paſs for nothing in the Houſe. It was a groſs blaſphemy againſt the Conſtitution, and ſhould not be ſuffered to eſcape under the ſhelter of its inſignificance; he had, however, little hope of reforming the bad ſenſe which conceives folly.

The competence of Parliament to addreſs had been denied; he, as a lawyer, would aſſert, that, as the Repreſentatives of the People, they were not only competent, but were called upon by the voice of the Conſtitution, in the King's incapacity, to provide for the Executive Government by addreſſing the Prince.

But as to the new doctrine (ſays he), is it in Ireland—is it in this Houſe I have lived to hear ſuch abominable principles advanced, and from a profeſſional man? By a monſtrous confuſion of ideas, he miſconceives, that that ſign which is neceſſary to make Acts of Parliament laws, makes laws itſelf without the aſſent of the third Eſtate. I would rather leave the Gentleman's ideas to be, like his houſehold gods, the companions of his fears, than reply to him, were it not on ſo great an occaſion.

What! did you, by the Act which took away the power of altering your bills in England, reduce yourſelves to the degraded ſituation of a perpetual Convention, without any third eſtate, to be dictated to by a Britiſh King? No; and the man that

that ſays ſo, utters a deſperate kind of blaſphemy againſt the Conſtitution—like the ſinner againſt religion, who ſays in his heart, "there is no God!"

Becauſe *Attorney General*, he thought it right to argue the queſtion like an attorney particularly, with evaſion and perverſion; like a thing wrapped in the cloak of law, which ſaw nothing, but hunted through the maze of ſtatutes, and noſed out points, he took no vantage ground of the Conſtitution. It is only in a bit of wax that he can diſcover the third eſtate of this realm!—Againſt the reſtrictions, Mr. Curran urged this argument: It is a maxim of the Conſtitution, that the power of the third eſtate could never be diminiſhed without its conſent; the executive branch was not now in a capacity to aſſent; how then could it be diminiſhed? As to the power of the Engliſh Regent ſuperſeding the Iriſh, he ſaid, he heard it, as he might ſay, in ſober ſadneſs; when ſentiments of ſuch a peſtiferous nature were exhaled from the mouth of a law authority, they were an aſperſion on the independence of the country—ſubverſive of the Conſtitution, and only exempt from dangerous concluſions by their abſurdity.

Mr. *Buſhe* contended that the Gentlemen who preferred a Bill to an Addreſs, had furniſhed deciſive arguments againſt themſelves. If they imagined that in following the example of the Britiſh Parliament, they acted on the ſame principles with that Parliament, they were groſsly miſtaken. In England, no man pretended that to put the Great Seal to a law without the Royal volition, was a legal act. It was an act of high preſumption, juſtified by (as they argued) and ſanctioned by the authority of the Commons, who alone could impeach the Chancellor for doing that act; and by the Lords, who alone could try him on ſuch impeachment. But in Ireland, it was contended, that to paſs a law without the volition of the Iriſh King was perfectly legal. We were to have no Bill of indemnity; the Conſtitution was to be defended by no confeſſion that the act was illegal; it was to be juſtified, not by the neceſſity of the caſe, but by the law and conſtitution of Ireland. What was this, but to ſay that Ireland was not a monarchy, to contradict the very law that had been read at the

table, which declared that William and Mary, and their ſucceſſors, ſhould be Kings of Ireland, and have all the powers and prerogatives of Kings? What was it, but to deny the Act of Henry the Eighth, which declared, that he and his ſucceſſors ſhould be Kings of Ireland, and enjoy all the rights and prerogatives to a Crown Imperial belonging? Would any man deny, that to give his aſſent to a law, as King of Ireland, was a right belonging to an Imperial Crown? The conſent of the King of England, certified under his Great Seal, was made neceſſary by ſtatute; but the conſent of the King of Ireland never had been declared to be ſuperfluous. Mr. Buſhe then entered into ſome of the laws. By the law of Philip and Mary, after a Bill had been certified under the Great Seal of England, it might be paſſed, if agreed to by the three eſtates of the Parliament of Ireland. Theſe were the words of the ſtatute, and they did not leave a doubt, but that the aſſent of the King, as well as of the Lords and Commons, was neceſſary, though the Act had been certified under the Engliſh Great Seal.

During the whole argument of the Attorney General, he had been making this obſervation to himſelf:—This is all very ingenious, but all this time where is the *will of the King of Ireland?* Gentlemen had been perpetually miſtaking the uſual proof and ſymbol of the Royal volition, for the Royal volition itſelf. The law of 1772 did not take away the neceſſity for the Royal Aſſent; it ſays only, that ſuch Bill as ſhall be returned without alteration under the Britiſh Great Seal, and no other, ſhall paſs:—but where? (mark the words that follow)—in the Parliament of this kingdom. But how are they to paſs in the Parliament of this kingdom?—not in the Commons, they had paſſed them before; not through the Lords, they had paſſed through them before they were certified. By what eſtate of Parliament then are they to be paſſed in the Parliament of this kingdom?—by the King of Ireland only. Thus there is not even an implication in this law againſt the King's undoubted prerogative of giving his aſſent to our laws; ſo that it comes to this:—if we agree that a Bill can paſs without the Royal will of the King of Ireland, we neglect our duty to our King;

King; and if we ſay that any other aſſembly beſides the Iriſh Lords and Commons can authoriſe any perſonage to repreſent the Royal will, we neglect our duty to our Country.

Mr. *O'Hara* ſaid, he wiſhed to aſſign his reaſons for voting for the reſolution, if he might obtrude upon the Committee for a few words. Had he riſen earlier in the debate, he had conſidered the ſubject ſo minutely that he perhaps might have ſpoke more at large, and ſtated the conſtitutional grounds on which the meaſure ſtood. But it was too late an hour.

He ſaid, the debate had deviated from its proper object, for there was no queſtion about the right of Ireland to appoint a Regent; that right was acknowledged on both ſides of the water; had it not been admitted in Great Britain, the ſubject would not have been brought forward by Adminiſtration here as it had been, and there could be no difference about the unity of the executive power ſo long as our preſent ſtatutes remained unrepealed, which were a ſtrong connecting link, and highly beneficial to both countries.

The only queſtion, therefore, related to the propriety of proceeding by Addreſs, and this, in his opinion, was the only unexceptionable mode of proceeding; for the Houſes of Parliament, whether ſeparately or in conjunction, have no inherent right to appoint a Regent. It is *caſus omiſſus* in the legiſlature, which cannot be remedied by the two Houſes of Parliament; for as they could not paſs any act of legiſlation, much leſs could they repair a deficiency in the legiſlature itſelf. None of the precedents of former times were more than precedents of expediency, which ſhewed what was thought proper to be done for the ſafety of the public; but though the Houſes of Parliament ſtood forward to what was right and expedient, they declared no inherent right to do ſo, but reſted the validity of their interference on the ſubſequent approbation of the people. The Houſe of Commons enjoying the confidence of the people, and the Houſe of Lords ſtanding on their high hereditary rank, are called upon to come forward in ſuch caſes of emergency; and if their conduct be right, they may be ſure of the people's approbation. An Addreſs then is the proper and unex-

unexceptionable mode by which they may beſt call upon the Prince of Wales to aſſume the reins of Government, and offer him their ſupport; and it is a ground upon which he may ſafely ſtand.

The public credit has often ſtood upon a ſingle vote of the Houſe of Commons, and the Regent might well ſtand upon a vote of both Houſes approved of by the people; and thus the exigency of affairs is provided for, without encroachment on the people's rights; and if, after all, an Act of Parliament be deſirable, that all may be obtained whenever the legiſlature ſhall be complete.

Mr. *Corry* ſaid, he conſidered the Addreſs as the beſt mode of proceeding; it was the moſt dignified, he believed it to be the moſt conſtitutional, and he was certain it was moſt accordant with the feelings of the nation. He ſaid, he would not have riſen to trouble the Committee with his ſentiments, had not ſomething fallen from the Right Hon. Gentleman, which, as he believed it unfounded, he felt himſelf diſpoſed inſtantly to reject. It had been intimated, that Government had unwarrantably interfered in the queſtion under diſcuſſion; he was convinced no ſuch interference had taken place. If any application had been made to Members of Parliament, it was highly probable that ſome ſuggeſtion of a wiſh would have been made to him, favoured as he had been by the perſonal attention of the Chief Governor; he therefore took that opportunity to declare, that no application had ever been made to him, and he called upon that man to whom any ſuch had ever been made, to ſtand forward and avow it—there was none ſuch. He ſaid, it was not eaſy to anſwer the Right Hon. Gentleman; what with miſuſing words, and the manner in which they generally fell from him, he very ſeldom underſtood enough of his ſpeech to reply. But the Right Hon. Gentleman had made uſe of ſome ſtrictures on parties in Parliament and Cabinet; if he meant thoſe of England, the ſtrictures were indecent; if he alluded to the Cabinet in Ireland, it only put him in mind of what had fallen the other day; if the Chief Governor of Ireland is attacked, the queſtion naturally

ſuggeſts itſelf—for what is he attacked? is it an offence that Lord Buckingham has devoted his time and his labours to promote a reform in the expenditure of the public treaſure—that he has put a ſtop to jobs—that he has detected peculation, and that he has endeavoured to put your finances on a reſpectable footing? Yes, theſe are offences; and if there is a jobber in the country, he is an enemy to Lord Buckingham—if there is a peculator, or a public defaulter, he is an enemy to Lord Buckingham—if there is an office in which fraud has long triumphed, that office is inimical to Lord Buckingham. I have heard, ſaid he, much of the Lord Lieutenant's haughtineſs, and his ſupercilious diſregard of perſons; is it becauſe the Marquis of Buckingham, having himſelf an honourable mind, having no object in view but the good of the country, has not been mean enough to ſtoop to flatter little men, who may have crept into office, God knows how—is he therefore to be accuſed of haughtineſs and a ſupercilious demeanour? I have heard the Lord Lieutenant called a ſcourge: he is no doubt a ſcourge to public plunderers and peculators; he has reſiſted jobs, and therefore he is abuſed; he has been the man to place himſelf and his character in the gap to ſtem corruption; he has given you the benefits of the law propoſed to limit penſions, though that law was rejected—and therefore he is a man to be abuſed. Sir, I ſhould hold myſelf guilty of meanneſs if I did not bear this teſtimony to the Marquis of Buckingham, now in his decline, when I can have no motive but a regard to truth; in the zenith of his power, many would have praiſed him.

Right Hon. Mr. *Grattan*.—It has been ſaid from the other ſide of the Houſe, that if we would admit ſome alterations in this Addreſs, it might be made to paſs unanimouſly. I am as much diſpoſed to unanimity as any Gentleman, but it is impoſſible for me to let paſs ſome doctrines that I have heard.

It has been aſſerted, that we have no King of Ireland; for it is ſaid, that the Royal Aſſent is given to our laws by the King of England; and it is ſaid, that England may appoint a Regent to ſuperſede any Regent that we appoint. If this be true, then is your King a cypher, and the Parliament of England

England is your legiſlator. It is therefore, Sir, that after hearing theſe principles avowed, I find it impoſſible to bend in the ſmalleſt degree. The idea of reſtrictions is ſcouted. The Right Hon. Gentleman deſpiſes the mean ſuſpicious plan of reſtraining the Regent in the exerciſe of Royal Prerogative. His oppoſition is not founded upon that principle; it is to the mode of proceeding by Addreſs. The mode of proceeding by Addreſs is ſaid to tend to the ſeparation of the two countries; and to prevent this, it is propoſed to appoint a Regent, not by the authority of Ireland, but by the authority of England; and an argument has been drawn from our ſending Bills to the Lords; but Gentlemen have no right to argue in this manner; it is an argument againſt free agency—it is an argument againſt volition—it is an argument that would cut off the right hand of a man, leſt poſſibly he ſhould commit ſuicide. Sir, we do not come here to receive lectures on law, but to act for the people of Ireland. It would have been better never to have been free, than to make your freedom your diſgrace. The Addreſs, Sir, is warranted by precedent—the glorious precedent of the Revolution. It is warranted by the opinion of Locke, of Lord Somers, Lord Holt; by the opinion of every conſtitutional writer, and of every conſtitutional lawyer. But it is oppoſed by a lawyer, whoſe opinion is in all caſes of *law* of very great weight in this country; and what does he propoſe? He propoſes that you ſhould paſs a Bill, upon ſuppoſition that it is the Great Seal of England, not the King of Ireland, that aſſents to your laws; that is, you paſs an Iriſh Act without an Iriſh King: becauſe, ſays the Right Hon. Gentleman, the Chief Baron's Bill (for it is not mine) takes away the power of giving the Royal Aſſent from the King of Ireland, and gives it to the Great Seal of England. But this, Sir, is not the idea of the Bill at all. I have conſulted the Chief Baron upon it. The intention of the Bill was to take away from the Privy Council the power of altering Bills. The law is, that Bills that ſhall be returned without addition, diminution, or alteration, certified under the Great Seal of

England, ſhall paſs—that is, ſhall be capable of receiving the Royal Aſſent in Ireland, and none other; the object of the Bill is to prevent alteration, diminution, or addition, and the Great Seal of England is the evidence that they have undergone the conſideration of the King in Council. This is the true conſtruction of the law, and if any other is preſſed, we muſt repel it by a Reſolution of this Houſe. We muſt ſuſtain the Throne of Ireland by the Parliament of Ireland.

The Act of Henry VIII. has been referred to; the intention of that Act was not to extinguiſh and aboliſh the crown of England, but to raiſe the Lord of Ireland to the dignity of a King; becauſe, ſays the Act, for want of ſuch ſtyle the Iriſhmen have not been obedient. At all times the people of Ireland felt their dignity injured in being governed by any thing leſs than a King; yet we are now told, that the Great Seal of England is our King—a bauble is our King! No, when the Right Hon. Gentleman ſays, that the union of the Crowns is the bond of connection and your ſecurity, he is right; but when he ſays the Great Seal of England is your King, he is wrong; it is therefore nonſenſe to ſay that people owe allegiance to a Seal, to a bauble of a trifle: but in politics, as well as in metaphyſics, men often miſtake *ſecond cauſes* for the *firſt cauſes*—the Right Hon. Gentleman has miſtaken the *form* and *ſymbol* for the *thing* and *eſſence:* Thus the Magi of high authority miſtook the *ſun* for *God*, the creator of the ſun, and led a nation into their error. The Right Hon. Gentleman has ſaid, that if we proceed by Addreſs in the manner propoſed, we lead to a ſeparation. I deſire to know how? Let him ſpecify the ſtep; for to ſay, that to make the Heir Apparent Regent, to put into his guardianſhip all the right and prerogatives of the Crown, tends to a ſeparation, is to ſay a thing which no rational man can regard. There is no man who wiſhes a ſeparation, leaſt of all thoſe who wiſh to maintain the prerogatives of the Crown; were we to conſider the connections of the Crowns only and nothing elſe, yet would I oppoſe the principle of the Right Hon. Gentleman, as detach-

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ing the people of Ireland. Nothing can ſo much weaken our attachment to England as ſuch language. Were it held out in England, it would, indeed, produce that effect. But I will tell the Right Hon. Gentleman, that the power of exerciſing our liberty is perfectly compatible with our connection with England; and were it poſſible to bring Ireland bound neck and heels to the foot of the Throne, an arbitrary monarch would, if he had wiſdom, ſet her free, convinced that her affection was the only ſecurity for her attachment.

Attorney General. I beg leave to remind the Right Hon. Gentleman, that theſe very objections were ſtated to him at the time he made the act; and if the Great Seal of England is by the Act rendered indiſpenſably neceſſary to the paſſing of Iriſh laws, 'twas he and not I that made it ſo. He was one of the framers of this law. The objections which he has been pleaſed to make to my argument, were made to his Bill by Mr. Flood, before it paſſed into a law; the objections appear on your Journals; and therefore, in arguing upon this law, I muſt look into the Statute Book, and not enquire of the Right Hon. Gentleman, what were his intentions in framing it.

I find in the Statute Book, that the Great Seal of England muſt be affixed to Iriſh Acts, before the King's Lieutenant can give the Royal aſſent to them here; and if this deſerves all the emphatic diſpleaſure which the Right Hon. Gentleman has been pleaſed to beſtow upon it, let him look into the Statute Book, there he will find his own wiſdom: and in a Court of Law, or even in the Houſe of Commons, I ſhould be laughed at if I were to argue, not from the law as I find it in the Statute Book, but from the Right Hon. Gentleman's meaning when he framed it. I never ſaid the Great Seal of England made the law, but the Great Seal of England is the Lord Lieutenant's warrant and authority for paſſing the law, and without which your own Act declares no law ſhall paſs.

Sir, my words and ſentiments are miſquoted; I never ſaid that the Crown of Ireland was merged and extinguiſhed in that of England—No, I ſay that the Crown of Ireland is an Imperial Crown in itſelf; and where, by our own law, the Great Seal of

England is not made neceſſary, the King acts as King of Ireland, and ſpeaks by his Great Seal of Ireland. If the Right Hon. Gentleman's Act had run thus, That no Bill ſhould paſs unleſs it was returned under the Great Seal of England, and that a Commiſſion ſhould paſs under the Greal Seal of Ireland for giving the Royal aſſent, then the law would have been what he now ſtated it ought to be; but if there is a defect in the law, on his head be it.. He might have had the Great Seal of England, as a proof that the Bill had paſſed under the conſideration of his Majeſty in Council; and he might have the Great Seal of Ireland, as an authority for paſſing the Bill into a law.

And now if the Right Hon. Gentleman is founded in his objections to the manner of paſſing Bills under his own law, I hope it will be a leſſon to him not to precipitate great and important meaſures. When that Act was before this Houſe, a Gentleman, who for twenty years laſt made the law of Poynings his peculiar ſtudy (Mr. Flood), made the objections to this act which the Right Hon. Gentleman makes to my conſtruction of it, and they were ſcouted by the Right Hon. Gentleman. [*Reads*]

" We are, however, obliged, whilſt we pay every acknowledgment to your Grace for the part you have taken in theſe meaſures, to lament, as to the modification of the law of Poynings, that it hath been ſo conducted as to leave it doubtful, whether by contravening the proviſions of the law of Poynings, it is not incapable of becoming the law of the land, and whether it is not *ipſo facto* null and void. That it hath implicitly confirmed all the pernicious principles of the ancient conſtitution, without removing many of their effects. That it hath no proviſion to take away from the Privy Council of Ireland the unconſtitutional power of originating Bills, nor to reſtore to Parliament the capacity of originating Bills. That, contrary to the expreſs tenor of our Addreſs of the 16th of April laſt, it hath left to the Britiſh Council the power of ſtopping Bills. That it hath taken from the Crown the power of doing that, which, by the law of Poynings itſelf, the King

King could have done, namely, of giving the Royal diſſent, as he doth the Royal aſſent, in the only method known to the conſtitution, viz. openly and in full Parliament; and thereby hath deſerted the firſt principle of the union, to wit, a ſimilar conſtitution with England, and a ſimilar fate; and that by a confuſed medley of old and new law, it leaves a doubt whether, in juſt, legal conſtruction, any clear and unexceptionable method will remain for carrying on the work of legiſlation in the Parliament of this kingdom. With regard to the 6th of George I. we muſt lament that, though in hope that to quiet the people, this Houſe, without having read or ſeen the Act of Repeal, have declared that the Britiſh Parliament have fully, finally, and irrevocably, acknowledged our ſole and excluſive right to make laws for Ireland in all caſes, external as well as internal; yet we have much ground to doubt this hath not been ſufficiently done, and to believe that the people of Ireland are growing more and more of that opinion."

And therefore, Sir, I am not to argue upon the law as it ſhould have been, in the Right Hon. Gentleman's opinion, but as the Right Hon. Gentleman made it; if he made it erroneouſly, the error is his, not mine.

Mr. *Grattan*. The Right Hon. Gentleman has relied much upon the difficulty ariſing from the law repealing the law of Poynings, and he has attributed that law to me. The law was not mine, though certainly I did ſupport it. That law was drawn by an able honeſt man, and a conſtitutional lawyer, Chief Baron Yelverton—a man whoſe very name will ſtand a refutation of any unconſtitutional charge. It had alſo the aſſiſtance of many wiſe and able men; and what is more, there was in the Houſe at the time of its paſſing, a lawyer of great eminence and ability—a Mr. John Fitzgibbon, who did not oppoſe it, neither did he object to the Addreſs in which the ideas of this Bill were contained. Am I not then warranted to ſuppoſe, that the Bill was perfectly conſonant to law and to conſtitution? Is it not unneceſſary to make a defence? But the Right Hon. Gentleman is diſpoſed to a rapid miſconſtruction in Conſtitutional queſtions. A Bill

does not become law by the Great Seal of England, but by the Royal Aſſent of the King of Ireland; and therefore he is miſtaking baubles and ſeals for Kings, his quibble ſubſtitutes the ſign for conveying the Royal Aſſent for the Royal Aſſent itſelf. Let him look to the very authority he cites as an argument, the Amendment to the Duke of Portland's Addreſs: that Amendment did not turn on the Royal Aſſent being given, but on the Royal Diſſent *not* being given in open Parliament. Upon the whole, I believe, Gentlemen who had any hand in paſſing that Bill, will have no cauſe to be aſhamed of that tranſaction; but if Gentlemen think that by any miſconſtruction of this Bill, the rights of Ireland can be invaded, let us paſs a reſolution condemning that miſconſtruction, let us ſay the Royal Aſſent is neceſſary, for we muſt ſupport the Imperial rights of the Crown of Ireland.

Attorney General. When phraſes unbecoming an Houſe of Commons are uſed, it becomes neceſſary that the Right Hon. Gentleman ſhould not go unreprehended. Sir, that Right Hon. Gentleman and I were bred to the ſame profeſſion; he quitted it; I adhered to the profeſſion; he did very right; I have not done wrong; we have both ſucceeded; the Gentleman has uſed harſh words, which I reject; and with great good nature has accuſed me of ſpeaking diſreſpectfully of a man whom I muſt ever honour and eſteem. I call upon the Houſe whether the moſt remote inſinuation of diſreſpect for that Gentleman ever eſcaped my lips. The Right Hon. Gentleman ſtated that I did not oppoſe his act in its progreſs through the Houſe; I did not; becauſe I conſider the Act as it ſtands as our beſt ſecurity for the connection of this country with England; and if I entertained a different opinion I would not then have ſtated it, becauſe every man who ventured to differ with the Right Hon. Gentleman, who had then alſo a majority at his back, was treated as a diſcontented man; and when I ſaw Mr. Flood's amendment ſcouted, I thought it not neceſſary to expoſe myſelf to the violence of the day. I have ſaid nothing diſreſpectful to the Gentleman's Act, I have merely argued upon the law it contains; but I well know,

Sir,

Sir, that Right Hon. Gentleman is much diſpoſed to uſe harſh terms, and to fall foul of any man who differs from him, and that this diſpoſition encreaſes four-fold when he has a majority at his back. I ſhall, however, ſay no more as to the Right Hon. Gentleman's expreſſions, he has taken his line, I have taken mine; I hope we have equally ſucceeded. As we are on the ſubject of ſpeculation, I muſt obſerve, that the laſt ſpeculation was the wildeſt that ever came from the Right Hon. Gentleman. *Let the Houſe of Commons paſs a Reſolution to alter the law of the land*; let the Houſe paſs a reſolution for the interpretation of the ſtatute. God forbid a reſolution of the Houſe of Commons ſhould alter the interpretation of the law of the land. No, if the law be improper let it be repealed, but let no ſingle branch of the legiſlature preſume to make the law.

Mr. *Grattan.* It is not my intention to alter the law, but when a great law officer of the Crown promulgates an illegal opinion of law, tending to deprive the monarch of Ireland of his authority, I think it my duty to meet and refute that opinion. Sir, the Gentleman has miſtated the law, and I will tell you where he has miſtated it; it is on a conſtitutional point. The Gentleman complains of my intemperance, and talks of my power, when the repeal of Poyning's Law was paſſed; certainly my power muſt have been very great, or his temper was very meek; yet, great as it was, if he had then ſtated a legal doubt, I ſhould have adopted it. He ſays, that we were both bred to the ſame profeſſion, that I left the bar, and I know why; it is true, and I know what he means; becauſe I had no buſineſs; I rejoice that I had no buſineſs, and I rejoice the more, when I ſee what uſe a man of great buſineſs may make of his talents. He complains of the harſhneſs of my expreſſions; Sir, I ſay a lawyer quibbles, when he ſays the Great Seal is the King, that an inanimate ſubſtance poſſeſſes the Royal authority; but he ought not to be offended, for nothing but a quibble or a bad principle could lead to ſuch a miſconſtruction; and it is therefore rather a compliment that I call it a quibble; for a quibble is incidental to his profeſſion,

ſeſſion, but I am ſure a bad principle is not incidental to his nature.

The *Secretary at War*.—I, like the Right Hon. Gentleman who preceded me, feel it incumbent upon me to ſtate my reaſons for differing from thoſe Gentlemen with whom I have hitherto had the honour of acting; I object on this occaſion to our waiting till England ſhall have completed the buſineſs of the Regency, becauſe I think it would be diſgraceful to this country, and injurious to her independence, and I am convinced it would be completely ſubverſive of the Conſtitution, were we to proceed by Bill, in the manner propoſed by the Right Hon. Gentleman (the Attorney General). This, Sir, is a queſtion, not of Engliſh Government, but of Iriſh Conſtitution; it is a queſtion where two branches of the independent and ſupreme Legiſlature of Ireland are, as of right they ought, to judge for themſelves. Upon a queſtion of ſuch Conſtitutional magnitude, and, in other reſpects, of ſuch national importance, it is beneath this Houſe to look to the right hand or the left. I am by no means convinced of the neceſſity of our conſulting what others may have done, but I am convinced of the neceſſity of our conſulting our own dignity, the honour of the nation, and the genius of the Conſtitution. We are now placed in a ſituation which we may render, by our conduct, the moſt dignified of any in which this Houſe was ever placed, ſince that memorable æra which eſtabliſhed the independence of our country. But we may alſo render this ſame ſituation one of the moſt humiliating we have ever known, ſhould we follow the advice of the Right Hon. Gentleman (the Attorney General), ſhould we adopt the deſpicable expedient of putting our underſtanding into the keeping of other men; ſhould we acknowledge to the world, upon an emergence like the preſent, our total incapacity to act for ourſelves. We are to determine upon the means, the Conſtitutional means, of ſupplying the deficiency in our Legiſlature, which has ariſen from the unhappy malady of our Sovereign. We have a plain line of conduct before us: we

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are to take care to preſerve the Conſtitution entire, and our connection with the ſiſter kingdom unimpaired; theſe are, as it were, two landmarks to direct our courſe; while we keep them in view we cannot go wrong.

I know not, Sir, what has been done in other Houſes of Parliament, nor will I inſult the Members of this Houſe, by the degrading ſuppoſition that we are to look to another country in order to learn our duty to our own. That we are to ſtand with folded arms, waiting in humble ſilence, and ready to receive, with mean ſubmiſſion, the dictates of any aſſembly of men; to ſuppoſe ſo, would be to ſuppoſe you had forgot the Conſtitution you acquired, or that you felt that you were unworthy of it; but 'tis not ſo; on the contrary, I am proud to aſſert, that the Parliament of Ireland was never more competent than at the preſent moment to aſſert the Conſtitution, and I truſt it will be ſhewn they never were more determined. Here are no party animoſities, here are no views of intereſted ambition: unbiaſſed and uninfluenced by ſuch conſiderations, you will act with the ſpirit of freemen that know the value of your liberties, you will ſcorn meanly to follow any other aſſembly; you will act like men who deſerve a free Conſtitution.

There is one difficulty only in your way—'tis certain the Legiſlature has not diſtinctly laid down the courſe you are to purſue, but it has clearly pointed out the rock you are to avoid. When we find ourſelves in a ſituation where the law is ſilent as to our conduct, we ſhould not leave it to place ourſelves in one which the law forbids; there is a wide difference between addreſſing the Prince to take upon himſelf the office of Regent, and paſſing an Act of two Branches of the Legiſlature to enable him ſo to do; in the firſt caſe we violate no law, but act agreeably to the principles of the Conſtitution; in the other, we act in direct violation both of the Conſtitution and law.

There muſt either be in ſome one a claim of right to ſupply the deficiency in the Executive Government, or there muſt be a right in the two Houſes to ſupply that deficiency; no claim has been made, but the two Houſes are called upon; they are only

only to proceed by Addreſs, for if they preſume to legiſlate, they grant a right which they have not, and in a mode where they are not warranted.

I cannot find that either the common law, or the ſtatute law, gives any right to the Prince of Wales to aſſume the Regency; neither are the Houſes, by any law that I know, empowered to beſtow it on whom they will: but there is a ſtatute which prohibits the two Houſes, in any poſſible caſe, from legiſlating without the concurrence of the Crown. If therefore we proceed by Addreſs, we at the worſt commit but an unavoidable irregularity, where the law is ſilent, though the Conſtitution and precedent both clearly ſpeak; but in the other caſe, we are guilty of the contumacy of acting in defiance of law, and violating the Conſtitution.

It has been ſaid, that the neceſſity of the caſe obliges Parliament to violate the law; but this is a doctrine equally dangerous and abſurd, for it is in caſes of ſuch peril as the preſent that the ability of the law has been moſt manifeſt; in common and ordinary caſes the utility of the law, which forbids the two Houſes to legiſlate without the King, cannot be known. Were the Crown in the exerciſe of its authority, nothing but force of arms could make it ſubmit to ſuch an invaſion of its rights. If, then, only in caſes of difficulty and diſtreſs like the preſent the two Houſes can ever attempt to act without the concurrence of the third eſtate—is it manly, is it generous, to ſeize ſuch opportunities to pilfer away the rights and prerogatives of the Crown?—No, it is in ſuch caſes the law ſhould become a protection to the Crown, a guard and a bulwark to the Conſtitution—'tis then that it tells both Houſes—"Your power is no more, till you have ſupplied the deficiency of the third eſtate."

It is the firſt point of the Conſtitution, that each of the three eſtates ſhould have a power of ſelf defence againſt the other two: on this point hangs the balance of power between them—to preſerve this is a main principle of the Conſtitution.

The Crown is liable to incapacity, which the other States are not; for the Crown being a ſingle perſon, infancy or diſ-

caſe

eaſe may cauſe a deficiency, to which the other eſtates, being compoſed of many perſons, are not liable. Our anceſtors conferred an artificial perfection on the Crown, in order, no doubt, as far as might be, to provide againſt every event; for though the man was mortal, they endeavoured to make the Crown immortal, by providing, that in caſe of the King's death, his ſucceſſor ſhould, *ex inſtante*, become King: but the caſes of infancy and infirmity not being provided for, it becomes the duty of the two Houſes to make that proviſion, and they are bound to make it in ſuch a manner, that the Sovereign ſhall, upon his recovery, arriving at full age, or being reſtored to health (as the caſe may happen), enter on all the Royal prerogatives undiminiſhed and unimpaired.

The Secretary at War then took a review of the proceedings at the Revolution, deducing from them many arguments in ſupport of the opinions he had advanced, and concluded with aſſerting—that though we muſt fill up the deficiency of the Crown with him who in the courſe of nature is to wear it, we have now an opportunity of maintaining at once the independence of our Parliament, the rights of our future Sovereign, and the principles of the Conſtitution.

At three o'clock in the morning the reſolution for the Addreſs paſſed without a diviſion—the Houſe then reſumed—the reſolutions were reported and received—after which the Houſe adjourned to three o'clock next Thurſday.

Thurſday, February 12.

Purſuant to adjournment, the Speaker arrived about half paſt three, and the Members being aſſembled about five, the Speaker took the Chair.

The Committee appointed for drawing up the Addreſs having preſented it, it was read and agreed to.

The Order of the Day for taking into conſideration his Excellency the Lord Lieutenant's Speech was poſtponed, and the Houſe adjourned.

Tueſday,

Tueſday, Feb. 17.

A meſſage from the Lords by Mr. Walker and Mr. Burroughs, two of the Maſters in Chancery, that the Lords have concurred with this Houſe in their Addreſs to his Royal Highneſs the Prince of Wales, and made the following amendment therein. In the third line of the ſaid Addreſs, after the word *aſſembled*, and before the word *beg*, the following words were inſerted, "beg leave to approach your Royal Highneſs "with hearts full of the moſt loyal and affectionate attach-"ment to the perſon and government of your Royal Father; "to expreſs the deepeſt and moſt grateful ſenſe of the nu-"merous bleſſings which we have enjoyed under that illuſtri-"ous Houſe, whoſe acceſſion to the Throne of theſe realms "has eſtabliſhed civil and conſtitutional liberty upon a "baſis, which, we truſt, will never be ſhaken; and at the "ſame time to condole with your Royal Highneſs upon the "grievous malady with which it has pleaſed Heaven to afflict "the beſt of Sovereigns.

"We have however the conſolation of reflecting that this "ſevere calamity hath not been viſited upon us, until the "virtues of your Royal Highneſs have been ſo matured as to "enable your Royal Highneſs to diſcharge the duties of an "importa-t truſt, for the performance whereof the eyes of all "his Majeſty's ſubjects of both kingdoms are directed to your "Royal Highneſs.

"We therefore"

Alſo, that the Lords have filled up the blank in the ſaid Addreſs, with the words, "Lords Spiritual and Temporal, "and," and have alſo concurred with this Houſe in their reſolution, without any Amendment.

Theſe Amendments having been read to the Houſe by the Speaker from the Chair, afterwards twice read by the clerk at the Table,

The *Attorney General* ſaid, he thought the Amendments ſuch as every man ought to agree to; he wiſhed ſimilar expreſſions of

of affection and regard for our good King had been introduced into the Addreſs before it had left the Commons.

The Right Hon. *W. B. Ponſonby* ſaid, however improper it might be to ſpeak of what paſſed in the other Houſe, what had fallen from the Right Hon. Gentleman made it abſolutely neceſſary; their Lordſhips had, by a very great majority, agreed to the Addreſs upon the ſame principles with the Commons; as for the Amendment which had been made to it, though ſtrongly and very properly expreſſing the affection and regard of the nation for his Majeſty, yet did it not go in the ſmalleſt degree to alter the principle of the Addreſs; and therefore, any thing which might have been urged in debate by an individual Peer, could not be admitted as a reaſon for ſuppoſing the Lords had acted upon principles different from thoſe on which the Commons had proceeded; the difficulty, therefore, which the Right Hon. Gentleman ſeemed to apprehend was viſionary; for the Prince receiving the united Addreſs of both Houſes, expreſſing, in the very ſame words, the ſentiments of each, would very eaſily give his Anſwer.

Mr. *Charles O'Neil* ſaid, he would repeat the words which the Right Hon. Gentleman had very properly uſed in a former debate, "that he muſt take Acts of Parliament as he found "them;" theſe words he would apply to the preſent caſe; the Prince would take the words of the Addreſs as they appeared upon the face of it; he never would conſider, perhaps he would never hear, what had been ſaid by Lords and Gentlemen in either Houſe; the Addreſs would ſpeak for itſelf, and to the Addreſs his Royal Highneſs would anſwer.

Mr. *Hobart* ſaid, however irregular it was to refer to what paſſed in another Houſe, it could not be denied that there were various opinions on the Addreſs in both Houſes, and among the public at large; but as the Addreſs would ſtand a precedent to poſterity, and as he thought it ſtill very deficient, he propoſed that it ſhould be farther amended. Gentlemen had all agreed that both kingdoms ought, during his Majeſty's illneſs, to be governed by the ſame Regent; and that whenever it ſhould pleaſe God to reſtore his Majeſty, that he

ſhould re-aſſume his authority. Why, then, not take the neceſſary ſteps to inſure this intention? Suppoſe his Majeſty ſhould recover at a time when the Parliament of Ireland was not ſitting, could he remove the Regent which Ireland had placed upon her Throne; or would the Regent govern Ireland and the King England? Theſe things were certainly worth conſideration, and it was the duty of Parliament to take care that the Prince ſhould not continue Regent of Ireland after he had ceaſed to continue Regent of England; and they ſhould alſo determine how this country ſhould know when the King was able to re-aſſume his authority.

Mr. *O'Hara* objected to the Words in the Addreſs, which call upon the Prince *to take upon him the Government of the realm*; he thought the Addreſs ſhould rather call upon the Prince to *aſſiſt his Royal father in the Government of the realm:* Thus the Throne would be conſidered as full, and no difficulties could then ariſe to impede the legiſlature.

Sir *H. Langriſhe* ſaid, he could not preſume to judge of the *private* ſentiments of their Lordſhips on this ſubject, but from the expreſſions of their *public acts.* They have concurred in your Addreſs, which is conceived in terms the moſt direct and unequivocal, requeſting his Royal Highneſs to take upon him the government of this realm during the continuance of his Majeſty's indiſpoſition. Can it now be ſaid, that, concurring in ſuch a public act, they entertained private opinions againſt their own right to join in ſuch an act?—it could not be preſumed. He ſaid their Lordſhips not only concurred in the *act*, but in the *ſentiments* of the Houſe of Commons of Ireland, and the two Houſes of Parliament in Great Britain, "That in defect of the perſonal exerciſe of the Royal authority, it was the right and duty of the two Houſes of Parliament, fully repreſenting all the eſtates of the people of this realm, to ſupply the defect." —That *they* were the only powers then exiſting in the ſtate, and if *they* were not competent to this buſineſs, the buſineſs muſt be undone: that in Great Britain they may clothe the proceedings with whatever forms or ceremonies, and dignify them by whatever titles they pleaſe; but whatever is done on this

this ſubject is, and muſt be, the act and deed of the two Houſes of Parliament *alone*—no authority or appointment, or commiſſion iſſuing from or acting under them, and therefore being ſubordinate to them, can confer any addition to their authority.

Major *Doyle* ſpoke in favour of the Addreſs.

Mr. *Parſons* ſaid, there never was a plainer truth, than that this Addreſs cannot make a Regent; for, if the law gives the King his authority, nothing but the law can take his authority away; the Addreſs is not law, therefore it cannot deprive the King of his authority, to veſt it in a Regent. If then the Regent ſhall appoint a Lord Lieutenant, that Lord Lieutenant comes here either under the authority which the Regent has derived from an Addreſs which is not law, or under the authority which the Regent derives from an Engliſh Act of Parliament. And I aſk Gentlemen, ſaid he, who poſſeſs ſo much regard for the conſtitutional independence of Ireland, whether they will ſubmit to this, or whether they will even leave the matter dubious?

The queſtion was now put on the Amendments as received from the Lords, and paſſed unanimouſly.

The *Attorney General.* Sir, conſtituted as this country is, whenever there is a majority againſt Adminiſtration, I muſt conſider that majority as the governing power of the country, and if that power ſhall think proper to ſtop the Bill which prevents the diſbanding of the King's army; if it ſhall ſtop the ſupplies for the maintenance of the King's government; if it ſhall ſtop the means of upholding the public credit, and of paying the public creditor;—I muſt ſay, as I did before, be the conſequences on the heads of thoſe who act thus.

Sir, by the treaty with France you are bound to admit the goods of France on certain conditions; if you ſtop theſe goods but for one day, the treaty is broken: this treaty, Sir, is not very popular in France, and that country may take advantage of any departure from it on our ſide.

I ſhould not be ſurpriſed at any oppoſition which the Government Gentlemen give to public buſineſs, if they had urged

any one reaſon in ſupport of their conduct: but as no reaſon has been offered, it is abſolutely unaccountable.

Mr. *Grattan.* The Right Hon. Gentleman is not warranted in ſuppoſing that we would run a riſque of diſbanding the army, or of diſappointing the public creditors; there is no ſuch thing to be apprehended, and therefore I laugh at ſuch imaginary terrors; neither is there any proof of a want of moderation in the perſons who compoſe the majority in this or in any other Houſe. It has not been propoſed, that Parliament ſhall adjourn until the Anſwer of his Royal Highneſs ſhall be received; it is only intended to adjourn from day to day: however, the opinion of the Right Hon. the Chancellor of the Exchequer deſerves every degree of attention, and if to-morrow he will be pleaſed to lay before the Houſe any juſt grounds for apprehending that the army may be diſbanded, that treaties may be infringed, or that public credit may be injured, by the mode intended to be purſued—arguments, ſupported on ſuch grounds, will, doubtleſs, have their full force in the minds of Gentlemen.

Attorney General. I never ſaid, that by waiting till to-morrow, or by adjourning from day to day, any of thoſe dangers would ariſe at which the Right Hon. Gentleman laughs; but I thought the Right Hon. Gentleman intended to keep back the public buſineſs until the Third Eſtate ſhould be ſupplied by virtue of the Addreſs, which the Right Hon. Gentleman ſuppoſes can convey the regal authority; but which, I maintain, cannot convey that authority, and which, if intended ſo to do, is a moſt violent breach both of the law and Conſtitution: in this doctrine, Sir, I am happy to be ſupported by the opinion of the Chancellor, who is the beſt lawyer in the kingdom, by the opinion of the Chief Juſtice, and by the opinion of every lawyer whoſe opinion deſerves any reſpect.

Mr. *Grattan.* I cannot ſay what doctrines were maintained in another Houſe, not having attended their debate; but what I ſaw in the papers was mere folly and nonſenſe, equally unconſtitutional and illegal; I am therefore convinced it could neither be the ſentiments or ſpeech of any Lord; but I have the moſt indubitable evidence now on the table, that the Lords have concurred with us in the Addreſs, and this is ground enough

enough for me to presume that they have concurred with us in opinion.

Mr. Conolly was ordered to carry the Address, as amended, back to the House of Lords, and the House then adjourned.

Wednesday, February 18.

A message from the Lords, by the Masters in Chancery, Burroughs and Vesey, that their Lordships had sent to enquire of his Excellency the Marquis of Buckingham, when he would please to receive the Address of the two Houses to his Royal Highness the Prince of Wales, in order to transmit the same; and that his Excellency had appointed to-morrow, at half after three o'clock, for that purpose.

The Messengers being withdrawn——

Mr. *Grattan* moved, "That this House do accompany the Lords to-morrow, at half after three o'clock, in carrying up to his Excellency the Lord Lieutenant, the Address of both Houses to his Royal Highness the Prince of Wales."

The Question being put, it passed unanimously.

MONEY BILLS.

Mr. *Grattan* then said, with respect to the business of going into the Supply, it had been his opinion that it would be highly improper until the two Houses had provided for the deficiency in the third Estate, which they had now done by addressing his Royal Highness the Prince of Wales to take upon himself the government of the realm during his Majesty's present indisposition; any step previous to this would not only have been improper, but, he would say, unconstitutional; but having now done with that business, and resting in confident expectation that his Royal Highness will accept the Regency, and having weighed with great attention the arguments of the Right Hon. Gentleman (the Chancellor of the Exchequer), he was disposed to accelerate, as much as possible, the public business.

The *Chancellor of the Exchequer* was happy that the Right Hon. Gentleman coincided in his opinion; and concluded the

converſation by moving the Order of the Day, "That this Houſe do now take his Excellency's Speech into conſideration;" which queſtion paſſed without a negative.

Thurſday, February 19.

This day both Houſes of Parliament having waited on his Excellency the Lord Lieutenant with their Addreſs to the Prince of Wales, deſiring his Royal Highneſs to take upon himſelf the government of this realm during his Majeſty's preſent indiſpoſition; and having requeſted his Excellency to tranſmit the ſame into Great Britain, his Excellency was pleaſed to return the following Anſwer:

"My Lords and Gentlemen,

"Under the impreſſions which I feel of my official duty, and of the oath which I have taken as Chief Governor of Ireland, I am obliged to decline tranſmitting this Addreſs into Great Britain; for I cannot conſider myſelf warranted to lay before the Prince of Wales an Addreſs, purporting to inveſt his Royal Highneſs with powers to take upon him the Government of this realm, before he ſhall be enabled by law ſo to do."

Upon the return of the Commons to their own Houſe, and this his Excellency's Anſwer being read to them by the Speaker from the Chair——

The Right Hon. Mr. *Grattan* ſaid, in a caſe ſo extremely new it would be highly improper to proceed with hurry or precipitation; the Houſe was called upon to act with dignity, firmneſs, and deciſion; and therefore, that due time might be had for deliberation, he would move the queſtion of Adjournment: the Queſtion was put and carried without oppoſition, and the Houſe adjourned to Friday morning.

Friday,

Friday, February 20.

The Right Hon. *Allen Fitzherbert* moved, "That the Lord Lieutenant's anſwer be entered on the Journals."

Mr. *Grattan* ſaid, he was ſatisfied to let the Anſwer be entered on the Journals, in order to make way for ſome Reſolutions which he intended to propoſe, as neceſſary to carry the intention of the two Houſes into effect, and as a vindication of their honour and conſtitutional conduct.

The Lord Lieutenant's Anſwer was then ordered to be entered on the Journals.

Mr. *Grattan* then moved, "That his Excellency the Lord "Lieutenant having thought proper to decline to tranſmit "to his Royal Highneſs George Prince of Wales, the Ad-"dres of both Houſes of Parliament, a competent number of "members be appointed by this Houſe to preſent the ſaid "Addreſs to his Royal Highneſs."

The *Attorney General* ſaid, he wiſhed to know what number was to be underſtood by the words a *competent* number.

Mr. *Grattan* ſaid, he had left the number open, becauſe he would not preſume to conclude the Lords. The practice, as he underſtood, was, where a Committee was to be formed from the Lords and Commons jointly, that two Commoners were named for one Lord, and when the Lords ſhould have named their number, he would then propoſe double that number of Commoners.

Attorney General. Having from the outſet of this buſineſs conſidered it as unwarranted by law or Conſtitution, I ſhall give the Right Hon. Gentleman's motion a negative; being now, as I have been all along, moſt decidedly of opinion, that the Addreſs is unlawful, and that it cannot convey Royal Authority.

Mr. *Parſons.* The more I conſider this ſubject, the more I am convinced that we ſhould proceed to appoint the Regent by Bill, and not by Addreſs: for firſt, I ſhall prove that we are competent to proceed by Bill, and next, that we ought not,

nor by law cannot, proceed otherwiſe. Our legiſlative Conſtitution was altered in the year 1782, and the effects of thoſe alterations have not as yet been ſufficiently conſidered. As it now ſtands, it agrees with the legiſlative Conſtitution of England, having three Eſtates—a King, who acts by his Viceroy—a Houſe of Lords, and of Commons; but it differs in this, that there is ſuperinduced upon our Conſtitution an extrinſic form, which is diſtinct and independent of the three Eſtates; and that is, the Great Seal of England, which muſt be put to our Bills before they can become the law of the land. This is not the Third Eſtate, as ſome have called it; nor do I think it can be properly called any Eſtate at all; but, if it be one, it muſt a Fourth Eſtate. This Great Seal is the bond of connexion between the two kingdoms. It is put to our Bills by the King of England as King of England, and not as King of Ireland. This is evident, becauſe, as King of Ireland, he could have no authority over it whatſoever. If it was intended as an expreſſion of the King of Ireland's ſentiments, it ſhould be notified in ſome other way, as privy ſigned, or ſign manual—not the Seal of England, which cannot belong to our Conſtitution. What follows from this, but that, as ſoon as a Regent in England is appointed, as all the powers devolve upon him, except where ſpecially limited, which belonged to the King of England as King of England, this power of putting the Great Seal to our Bills devolves upon him alſo? Hence the neceſſity of having the ſame Regent with England, and hence appears the folly of attempting to appoint one for this kingdom before one is appointed in England; for it is only an aſſumption of a power, which we never could put in practice; an idle gaſconade, which may alarm England, and cannot by any poſſibility ſerve ourſelves; a diſplay of an inclination to ſeparate the Executive Power without the ability to do ſo. But it has been ſaid, if the Act be ſo, repeal it. I aſk you how? That Act of Repeal muſt have the Great Seal of England to it; and how could you procure the Great Seal of England to ſuch an Act? That Seal is in the cuſtody of an officer in England, reſponſible to

the Engliſh Parliament for every uſe he ſhall make of it; and if he were to put it to ſuch an Act, he ſhould and ought to ſuffer the ſevereſt puniſhment the laws of his country could inflict. This is the ſecurity the Engliſh have, that we can never paſs a law to ſever the Executive Power, or impair the connexion of theſe kingdoms; and thus does this Great Seal, that has been ſpoken of with ſo much deriſion, this bauble, this piece of wax and parchment, appear, in this very inſtance, of ſuch potent efficiency, that we could not, if we would, have a different Regent from England, and which will be found a ſecurity in all future times againſt every machination to weaken the ties of connexion between us. It gives the Engliſh Parliament, it is true, a kind of negative upon our laws, but by ſuch a remote and ſevere action, as there is no reaſon to apprehend it will ever be abuſed. That Parliament having recognized our right to legiſlate excluſively for this kingdom, their own law, as well as their prudence, would not ſuffer them to impeach their Chancellor for putting that Seal to any Iriſh Act, except in the ſingle caſe of its tending to deſtroy the unity of the Executive Power, in which alone the connexion of theſe kingdoms conſiſts. That Seal then, however it came to be ſuperadded to our Conſtitution, whether by accident or by deſign, is ſecurity to England, without being dependance to Ireland; and the hiſtory of mankind does not afford an inſtance of two independent States being connected together by a mechaniſm ſo wiſe and ſo beautiful. The moment, then, I ſay, that a Regent is appointed in England, we are competent to paſs a Bill for the ſame purpoſe here. To make this more clear, let us trace the Bill through its different ſtages. We have declared ourſelves to be a Parliament; we have recogniſed the Third Eſtate in our Addreſſes to the Viceroy; we have recogniſed our own powers by thoſe Addreſſes, by our proceedings in the Committees of Account and Supply; and, when I ſtated my doubts upon the ſubject the ſecond day of the Seſſion, by the ſilence of every other man upon it in this Aſſembly. I ſtated them then, becauſe I foreſaw the influence our determination upon it would

have upon all our ſubſequent proceedings, and that it was a ſubject of too much conſequence to be ſuffered to remain in ſuch ſuſpenſe, as that it might be drawn down at a future day to receive the deciſion that would ſerve the turn of a party. Our legiſlative Conſtitution being thus far effective, having the Viceroy of the King, the Lords, and the Commons, at preſent complete, to theſe we ſhould have the additional form of the Great Seal of England effective, as ſoon as a Regent ſhall be appointed in that kingdom. If we were to proceed then by Bill, it would firſt paſs the two Houſes of Parliament, who are now competent; it would then receive the Great Seal of Ireland, and be certified into England by the Lord Lieutenant who is acting under a regular Commiſſion from the King, and therefore is competent. It would then receive the Great Seal of England, by the authority of the Engliſh Regent, who to this Act would be competent; it would then receive the final Aſſent in Parliament by the Lord Lieutenant, be enrolled in the office, and be a law of the land. The only ſtep in its progreſs which may be queſtioned as unſound, is the laſt, as the Lord Lieutenant has no power ſpecified in his general Commiſſion from the King for paſſing Bills, and as he could not have a ſpecial Commiſſion from him now for that purpoſe, as is uſual. Firſt I ſay to this, that ſuch a Commiſſion is rendered unneceſſary by the Act that paſſed in 1782, "to regulate the manner of paſſing Bills." The firſt clauſe is mandatory upon the Lord Lieutenant, that he *ſhall* certify all ſuch Bills as have paſſed both Houſes of Parliament. The ſecond clauſe I conceive to be mandatory alſo; that "ſuch Bills having been returned into this kingdom under the Great Seal of England, *ſhall* paſs in the Parliament of this kingdom." No man doubts the firſt clauſe to be mandatory, and I ſee no reaſon why the ſecond ſhould not be ſo likewiſe. If it was intended otherwiſe, the word would be *may* paſs, and not *ſhall* paſs. But there was an amendment made to this very Bill in its tranſit through this Houſe, and which appears upon your Journals, that puts the

the intention of the Houſe at that time out of all diſpute. In the amendment are theſe words, " that ſuch Bills and no others, being returned unaltered, under the Great Seal of Great Britain, *ſhall be capable of receiving* the Royal aſſent or diſſent in Parliament, *according to his Majeſty's commiſſion*, either for giving his aſſent or diſſent to the ſame reſpectively." Here, inſtead of the mandatory words, " ſhall paſs," was propoſed *conditional* ones, " ſhall be *capable of receiving* the Royal aſſent or diſſent," which were negatived. The neceſſity of a ſpecial commiſſion was alſo propoſed, and was negatived. The words then of the law, I ſay, are mandatory. The intention of the Legiſlature was, that they ſhould be mandatory; and conſequently ſuch commiſſion, though the practice ever ſince, is a ſupererogating inſtrument, and the Lord Lieutenant might, nay *muſt* paſs the law without it—It were certainly more agreeable to the conſtitution of theſe kingdoms that the law were otherwiſe; but I am not now ſpeaking of what the law ought to be, but what the law is. If it ſhould be the ſenſe of the majority that this ſtep would be difficult in paſſing the Bill, this ſingle ſtep might be ſupplied, by the two Houſes empowering either the Regent of England to iſſue ſuch commiſſion to the Lord Lieutenant for that purpoſe, or by empowering the Chancellor of Ireland to put the Great Seal to ſuch a commiſſion. But proceed as is propoſed—give executive powers to the Prince of Wales, that he may legiſlate. Let him ſend over another Lord Lieutenant to ſuperſede the Lord Lieutenant appointed by the King, and then begin a Bill, and ſee how defective your Legiſlature will be. The Lord Lieutenant muſt come under the authority of the Regent of England as appointed by the Engliſh law, not by your Addreſs. The law of William and Mary having given all Royal powers, juriſdictions, and prerogatives, to the King of England, whoever he ſhall be, nothing leſs than a law can take them away from him; your Addreſs is utterly impotent to ſuch a work. The new Lord Lieutenant then muſt act as the Deputy of the Engliſh Regent. Your Bill then muſt receive the Great Seal, and be certified into England, not under

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the authority of the Repreſentative of your King, but the Deputy of the Engliſh Regent; it muſt again receive the Royal aſſent in Parliament, not by the Repreſentative of the King, but by the Deputy of the Engliſh Regent. Here are two principal ſtages in which it will certainly be totally defective by proceeding in this way; whereas there would be but one, which might poſſibly be partially defective, by proceeding in the other way. Our third eſtate here, now appointed by the King, and which this very Addreſs recogniſes as perfect, will then be extinguiſhed, and this under the pretence of completing our Legiſlature. The Imperial Crown of Ireland will be merged in the Regency of England, for fear it ſhould be merged in the Imperial Crown of that kingdom; and a Regent appointed by an Engliſh Act of Parliament, is to ſupply the third eſtate to legiſlate for this country, leſt we ſhould impair our independency by paſſing an Act of Parliament to ſupply it by ourſelves. Further, the commiſſion for the new Lord Lieutenant muſt be under the Great Seal of England; for otherwiſe, by our laws he could not hold the Parliament. What an argument do you then give to thoſe who might be now, or at a future day, hoſtile to our independency? A Lord Lieutenant comes over with a commiſſion under the Great Seal of England, from a Regent who has been appointed Regent by law in England, and whom it has been attempted to appoint Regent by Addreſs and againſt law in Ireland: under which authority then will it be argued that the Lord Lieutenant is appointed? by the Engliſh Bill or the Iriſh Addreſs? Or will you now give ſuch an argument in favour of the power of the Engliſh Parliament to legiſlate for you in this important inſtance, of ſupplying the third eſtate of your legiſlature, after their power to legiſlate for you has been ſo recently renounced in every inſtance? But thoſe very Gentlemen who are the authors and advocates for this Addreſs, propoſe that it ſhould be followed by a Bill; I aſk why? Can it give one portion of Royal Authority, and not another? Can it be valid as giving power to legiſlate, and invalid as to giving any other power, when it profeſſes to give

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every power? If it can give legiſlative power, which is the higheſt, it can give every other ſubordinate power, and this ſubſequent Bill will be unneceſſary. But when they ſay a ſubſequent Bill is neceſſary, they admit that there is ſome power, notwithſtanding its comprehenſive diction, which the Addreſs is inadequate to give, and conſequently that it is inadequate to give legiſlative power, which is the higheſt of all. But it is not wonderful that ſuch inconſiſtencies ſhould appear in the conduct and arguments of men who have proceeded with ſuch precipitation; though it is very wonderful that a majority of this Houſe, and many moſt reſpectable Members, ſhould be prevailed on to follow them. The *recruiting* language held out to country Gentlemen at the opening of this buſineſs, was a Penſion Bill, and an Abolition of the Police. As to the firſt, I tell thoſe Gentlemen, that they are deluded, if they expect a permanent law for that purpoſe to be paſſed during a Regency. We might, certainly, during the Regency, limit the Penſion Liſt, but no longer. For this I aſſert to be ſound conſtitutional doctrine, that during a Regency no law ought to paſs to limit a prerogative of the Crown; for, what would be the conſequence? during a temporary malady as the preſent, or during a minority, the beſt prerogatives of the Crown might be ſhorn off; ſo that when the King ſhould aſcend his Throne, he might find himſelf a mere impotent pageant. However deſirable the object is of limiting the penſions, we ought not to eſtabliſh the precedent; or, if ſuch a Bill ſhould paſs through the two Houſes of Parliament, the Miniſter who would put the Great Seal to it, or who ſhould adviſe the Royal Aſſent to be given to it, ought to forfeit his head. That you cannot have a perpetual Penſion Bill now, I have proved; with reſpect to the Abolition of the Police, I will venture to prophecy, that the promiſed Abolition of the Police will be no more than ſome temporiſing modification, which, if we may judge of the ſkill of the new Miniſters, from what we know and have ſeen, we may venture to pronounce will be but of frivolous efficacy. I therefore exhort country Gentlemen that they will not be led on by ſuch fallacious and unequivalent

lent allurements. It is moſt unworthy of a great nation, in an affair of ſuch ſtupendous conſequence, to make a ſurreptitious bargain with thoſe upon whom they confer the authority, as to the powers they confer, and the manner in which they confer them. It is invidious towards the people of England to contraſt our conduct with theirs, and court the executive power which is now riſing over theſe countries, by an unlimited confidence, purchaſed with ſuch pitiful ſtipulations. It is a practice which if purſued will be ruinous to the conſtitution of theſe kingdoms, alternately to vie with one another in obſequiouſneſs to the common ſovereignty, for the attainment of any temporary favours. Without examining any precedent, without hearing any evidence, we have deprived the King of all the Prerogatives of his Crown, and conferred them upon another perſon; we have done ſo with an oſtentatious affectation of differing from England—firſt by refuſing any document of the wiſe proceedings in that country; and next by appointing a Regent before a Regent has been appointed there. We have taken this opportunity of diſplaying our independence, by precipitately wreſting the ſceptre from that very King by whom our independency was reſtored; we have preferred proceeding by Addreſs, though againſt law, inſtead of by Bill; thus eſtabliſhing a precedent, authoriſing the two Houſes of Parliament to nominate a Regent, though different from England, and to ſeparate the executive government of theſe kingdoms; whereas if we had proceeded by Bill, that Bill muſt have had the Great Seal of England put to it before it could be a law, and which, if a Chancellor of England ſhould put to a Bill appointing a different Regent from England, he muſt have done it at the hazard of his head. And thus we have ſet aſide this ſatisfactory ſecurity, which England ſhould have had for an identity in the two kingdoms of Sovereign power. All theſe truths muſt raiſe ſerious alarms in England, muſt create a diſtruſt of our Parliament and people, a diſtruſt, the conſequences of which we may one day fatally feel. It is not by an empty parade of our independency that we ſhall preſerve it; it is by our ſpirit and our prudence—

prudence—our ſpirit to protect it, if it ſhould receive an aſſault, and our prudence to conduct ourſelves in ſuch a way as that it ſhall not be thought neceſſary to aſſault it. We have got a great deal by accident, and which we may loſe by folly. A frantic enthuſiaſm may ſucceed ſometimes in accompliſhing great atchievements, but it is ſober wiſdom alone, that can preſerve them.

Major Hobart ſaid, he preſumed that the Commiſſioners were to act under the direction of the two Houſes, and if ſo, he requeſted to know what inſtructions were intended to be given them for their conduct? Were they, immediately upon their arrival in London, to preſent the Addreſs to his Royal Highneſs the Prince of Wales, even though he were not yet inveſted with the Regency of England? or were they to wait till ſuch inveſtiture ſhould take place?

Mr. *Grattan* ſaid, that difficulty will be removed, for I think his Royal Highneſs will be inveſted before the Commiſſioners can arrive.

Major *Hobart*. I beg leave to ſay that I am not anſwered, for my queſtion ſuppoſes the Commiſſioners may poſſibly arrive before his Royal Highneſs is inveſted with the Regency.

Sir *Henry Cavendiſh* ſaid, the queſtion was premature, and that it was unparliamentary for one Member to interrogate another in this manner.

Major *Hobart* inſiſted that it was the uniform practice when any Member propoſed to bring forward a number of reſolutions, for the Houſe, or any Member of the Houſe, to demand to be informed of the whole ſcope and range of ſuch reſolutions; otherwiſe, Gentlemen might be led to agree to one or more leading queſtions, though they might differ on the main point; as to the queſtion he had aſked, he maintained that it was perfectly in order, and that the preſent was the moment to diſcuſs it. His firſt queſtion was, were the Commiſſioners to receive their inſtructions from the two Houſes before they ſet out? or being arrived in England, were they to write over for directions to regulate their conduct?

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The Right Hon. *Thomas Connolly.* I am not authoriſed to give the Hon. Gentleman any anſwer; but I do aſſure him, that in whatever ſituation the Houſe ſhall place me, I never will take any ſtep that can tend to the ſeparation of the two Crowns; and I hope that whoever ſhall be ſent, ſhall be poſſeſſed of ſuch powers, and ſuch powers only, as may tend to ſtrengthen the connection with England, and maintain the conſtitution of the realm.

The queſtion of Mr. Grattan's motion was then put, and paſſed without any diviſion, whereupon he moved, "That Mr. Connolly do attend the Lords with the ſaid reſolution, and acquaint them, that this Houſe requeſts them to appoint Members of their own body to join with the Members of the Commons in preſenting the ſaid Addreſs."

This alſo paſſed without any diviſion, and Mr. Connolly went up to the Lords accordingly.

The Committee having waited a conſiderable time for an anſwer from the Lords, to the meſſage which they had ſent by Mr. Connolly, and being informed that their Lordſhips were in high debate,

Mr. *Grattan* propoſed that the Houſe ſhould proceed with buſineſs, and moved, "That his Excellency the Lord Lieutenant's Anſwer be read;" which being read by the clerk,

The Right Hon. Mr. *Brownlow* ſaid, it would be beneath the dignity of the Commons, to ſuffer ſuch a record to ſtand upon their journals, unnoticed and unrefuted; he therefore hoped to ſee ſuch a reſolution propoſed, as would vindicate the honour of the Commons of Ireland.

The Right Hon. *Henry Grattan.* I do not think it poſſible, after the anſwer that we have juſt heard, that any Gentleman can entertain a doubt of the neceſſity of our coming to ſome reſolutions to maintain the dignity and privileges of Parliament. Sir, we were wiſe in adjourning laſt night, to give time to deliberate; it was an awful pauſe, a ſolemn interval, and will give weight and conſequence to the meaſures we may adopt. In any controverſy with the Chief Governor, it becomes us to obſerve the moſt punctilious ceremony, and in the particular

particular caſe before the Houſe, tenfold attention is neceſſary, becauſe it is to remain a record and a precedent upon your journals, becauſe it is a caſe on which the privileges of the country depend; our conduct therefore ſhould be founded in law and the conſtitution; it ſhould be even reſpectful to the Chief Governor, who has maligned our proceedings. I will therefore move a reſolution, the truth of which no man can deny; and if it be admitted, the Lord Lieutenant's Anſwer muſt neceſſarily be diſallowed.—Mr. Grattan then moved, "That in addreſſing his Royal Highneſs the Prince of Wales to take upon himſelf the government of this country, on the behalf, and in the name of his Majeſty, during his Majeſty's preſent indiſpoſition, and no longer, the Lords and Commons of Ireland have exerciſed an undoubted right, and diſcharged an indiſpenſable duty, to which in the preſent emergency they alone are competent."

The Right Hon. *Attorney General.* Sir, this reſolution is of ſuch tendency, and does ſo avowedly aſſert the pernicious and unconſtitutional principles of the Addreſs which we have voted, that if the Commons of Ireland agree to it, they ſtrengthen the foundation already laid for a ſeparation of the Crown of Ireland from the Crown of Great Britain; and the country Gentlemen, who are about to vote upon this occaſion, would do well to conſider again and again, before they follow the Right Hon. Gentleman one ſtep further in his ill-adviſed and deſperate ſpeculations.

Sir, I did not think that I ſhould again be under the neceſſity of treſpaſſing on the patience of the Houſe upon this ſubject; but I find I muſt once more call the attention of Gentlemen to the ſtatute law, and to the conſtitution of the realm. By the 23d Henry VIII. the King of England is, *ipſo facto*, King of Ireland; and by the ſecond clauſe of that Act, it is declared and enacted, "That if any perſon or perſons, of what eſtate, dignity, or condition ſoever they or he be, ſubject or reſiant within this land of Ireland, by writing, imprinting, or by an exterior act or deed, ſhall give occaſion whereby the King's Majeſty, his heirs or ſucceſſors, ſhall be diſturbed or interrupted

ed of the Crown of this realm, he or they ſhall be adjudged traitors, and every ſuch offence ſhall be adjudged high treaſon."

Here I take leave to remind Gentlemen of the occaſion on which this Act was made; it was made when Engliſh faction had found its way into Ireland, when the houſe of Fitzgerald, and the houſe of Butler, eſpouſing different Engliſh parties, had repeatedly plunged this country into the horrors of civil commotion. The Act was made that Ireland and England might be for ever united under the ſame ſovereign, and whether he was a King of the Houſe of York, or a King of the Houſe of Lancaſter, who wore the Crown of England, he ſhould in that right alone be deemed King of Ireland. And let not any man tell me, that becauſe this reſolution ſpeaks of a Regent and not of a King of Ireland, that therefore the Act of Henry VIII. does not apply to it; it is not the mere name of King, it is not the ring of gold that encircles the monarch's head, which is the object of the law; no, the object of the law is, that the chief executive magiſtrate, and the chief executive power in both countries ſhould be one and the ſame; and therefore it is folly in the extreme to aſſert, that it is the undoubted right, and the indiſpenſable duty of the Lords and Commons of Ireland, of their authority, to create a ſupreme executive magiſtrate whom they call their Regent; when every man who knows the ſtatute law of this country muſt acknowledge, that if they were to call him by another name, they would by ſuch a reſolution commit an act of direct treaſon. And if a doubt on this ſubject could have hung upon the conſtruction of the ſtatute of Henry VIII. the Act of the 4th of William and Mary has removed it. The phraſe of this Act varies from the phraſe of the Act of Henry VIII. for the Act of William declares, that the Crown of Ireland, and all the powers and prerogatives belonging to the Crown of Ireland, ſhall for ever be annexed to, and dependent upon, the Crown of England.

And give me leave to tell the country Gentlemen of Ireland, that the only ſecurity by which they hold their property, the only ſecurity which they can have for the preſent eſtabliſhment in Church and State, is the connection of the Iriſh Crown with,

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and its dependence upon the Crown of England; a connection and dependence which has been ſealed with the beſt blood of their country; and if they are now duped with fantaſtical ſpeculations, which are to ſhake that connection, under the ſpecious pretence of aſſerting national dignity and independence, they will feel, to their ſorrow, that they are duped into a ſurrender of the only ſecurity by which they can hope to retain their property, or by which they can hope to retain the preſent eſtabliſhment in Church and State. For, give me leave to ſay, Sir, that when we ſpeak of the people of Ireland, it is a melancholy truth, that we do not ſpeak of the great body of the people. This is a ſubject on which it is extremely painful to me to be obliged to ſpeak in this aſſembly; but when I ſee the Right Hon. Member driving the Gentlemen of Ireland to the verge of a precipice, it is neceſſary to ſpeak out. Sir, the ancient nobility and gentry of this kingdom have been hardly treated; that Act by which moſt of us hold our eſtates was an Act of violence, an Act palpably ſubverting the firſt principles of the common law of England and Ireland. I ſpeak of the Act of Settlement paſſed in this country immediately after the Reſtoration, which veſts the eſtates of every man who had been diſpoſſeſſed during the rebellion of 1641, abſolutely in the Crown, and puts the old proprietors to the neceſſity of proving that they had not been guilty of high treaſon, in order to avoid the penalties of confiſcation, which, by the ſacred and fundamental principles of common law, can be incurred only upon conviction and attainder. And that Gentlemen may know the extent to which this ſummary confiſcation has gone, I will tell them, that every acre of land in this country, which pays quit rent to the crown, is held by title derived under the Act of Settlement; ſo that I truſt the Gentlemen whom I ſee upon the oppoſite benches, will deem it a ſubject worthy their conſideration, how far it may be prudent to purſue the ſucceſſive claims of dignified and unequivocal independence made for Ireland by the Right Hon. Gentleman. So long as we remain ſatisfied with the conſtitution of Ireland, as ſettled in 1782, and avail ourſelves of every opportunity which may offer, to cement the union of the Crowns of Great Britain and

Ireland, and to cultivate the affection and confidence of the Britiſh nation, we ſhall continue to cultivate peace and good order and proſperity in this country. But if, in a moment of phrenzy, the two Houſes of Parliament of this country are to ſacrifice their connection with the crown of England in purſuit of paradoxical phantoms, perhaps we may live to ſee Ireland once more indebted to a Britiſh army for the reſtoration of her civil and religious liberty. See then what ſecurity you have for your connection with England, if the two Houſes of Parliament are to aſſert an undoubted and excluſive right, and indiſpenſable duty, to create a ſupreme executive Magiſtrate for Ireland, and of their own authority to inveſt him with all the powers of royalty. Your ſecurity is the ſteadineſs and diſcretion of the two Houſes of the Iriſh Parliament, which, upon the preſent momentous occaſion, I am free to acknowledge have been unexampled. But, if the law of your country eſtabliſhes another ſecurity for that connection; if by the ſettled law of your country, the ſanction of the Britiſh Great Seal is neceſſary to any inſtrument by which any thing in the ſhape of Royal power can be exerciſed in Ireland, do you ſuppoſe that the Britiſh nation will tamely ſubmit to the claim now ſet up by the two Houſes of the Iriſh Parliament? No. If we perſiſt in aſſerting this claim, the two countries will be committed more hotly than ever; for, if the Addreſs of both Houſes can inveſt the Prince of Wales with Royal powers in this country, the ſame Addreſs could convey the ſame powers to Lewis XVI. of France. or to his Holineſs the Pope, or to the Right Hon. Mover of this reſolution. And therefore, the Lords and Commons of Ireland may be aſſured that if they perſiſt in aſſerting a claim palpably condemned by the laws and conſtitution of their country, palpably hoſtile to Great Britain, and radically ſubverſive of the eſtabliſhed conſtitutional connection between Great Britain and Ireland; it is utterly impoſſible that ſuch a claim ſhould be paſſed by in ſilence by the Britiſh government; it is utterly impoſſible that the aſſertion of ſuch a claim ſhould not again commit this country with Great Britain; and if by any fatality we are again committed,

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what muſt be the event? This iſland has every thing to loſe, and can gain nothing. In a good cauſe and a ſound bottom, however unwilling I might be to engage in a conteſt with Great Britain, I would ſtill truſt ultimately to her juſtice: but if we are to be committed on the claim of an independent executive government, we are committed againſt the laws and conſtitution of Ireland, and in ſuch a conteſt Ireland muſt fall.

We have already voted a commiſſion of embaſſy to preſent our Addreſs to the Prince of Wales, offering him the plenitude of Royal power in this country, and requeſting that he will exerciſe it by his authority, or by our authority. But when our ambaſſadors ſhall have executed their commiſſion, how is his Royal Highneſs to act? Is there a man in England with whom he will adviſe upon this ſubject? Who will venture to tell him, that the Addreſs of the Lords and Commons of Ireland can confer the ſhadow of royalty upon him? or, who will venture to adviſe him to comply with the terms of that Addreſs, and to take upon himſelf the exerciſe of the powers attached to the Crown, by the mere authority of the Lords and Commons of Ireland? Is there a man in England who will venture to tell his Royal Highneſs, that ſuch an Addreſs will give him the command of the Great Seal of England, for the purpoſes of Iriſh Government, and make himſelf reſponſible to the Engliſh nation for ſuch an opinion? I will be bold to ſay, there is not a ſober and honeſt man in England with whom his Royal Highneſs will adviſe upon this ſubject, who will not tell him, that the Lords and Commons of Ireland have not the ſhadow of right to provide by their authority for the executive government of Ireland, and therefore the Right Hon. Gentleman had beſt wait for the Anſwer of his Royal Highneſs to this Addreſs before he preſſes forward a reſolution, aſſerting claims which muſt be condemned by every ſober and honeſt man in both countries.

And here give me leave to call to the Right Hon. Gentleman's recollection the anſwer he this day gave, when he was aſked—What were the Commiſſioners to do, or how were

they to act, ſhould they arrive before the Prince of Wales was inveſted with the Regency of England?—The Right Hon. Gentleman's anſwer was, that it was *almoſt* certain he would be inveſted with the Regency of England before they arrived, and that difficulty would be removed. The Right Hon. Gentleman does then confeſs that there may be a difficulty attending the execution of this new Iriſh commiſſion, but, upon calculation, he ſeems to hope that the difficulty will not occur.

Sir, the Right Hon. Gentleman muſt remember, that when he firſt brought forward a reſolution aſſerting the independence of the Parliament of Ireland, though I agreed with him in principle, yet I was cautious in committing the two kingdoms; but when he had committed them, I agreed with him, that Ireland could not recede from her claims, which were then founded in juſtice. But upon the preſent queſtion Ireland ſtands upon very different ground. Here we are aſſerting a claim palpably illegal and unfounded, a claim which, if it ſhall ever be allowed by Great Britain, muſt bring inevitable ruin on this country; and therefore it is, that I do moſt earneſtly entreat of the Right Hon. Gentleman to deſiſt from his preſent ſpeculations, becauſe, in my judgment, they are giddy and fantaſtical in the extreme, and utterly ſubverſive of every principle which unites the kingdoms of Great Britain and Ireland.

Sir, there has been throughout the whole of this buſineſs a want of temper and deliberation highly diſgraceful to this country; and it would ſeem as if Providence had peculiarly marked our intemperance; for on that night on which, from common fame alone, we thought fit to determine that our lawful King was incapable of diſcharging the functions of his Government, his phyſicians had declared, that his Majeſty had ſhewn decided ſymptoms of convaleſcence; and on the night on which this raſh determination was made, with the ſame intemperance we voted an Addreſs to the Prince of Wales, to aſſume the powers of Government lawfully veſted in our King; and, leſt any man ſhould have time for deliberation, the Reſolution

ſolution and Addreſs were reported and agreed to the ſame night: and now we are called upon to vote a Reſolution, if poſſible, more raſh and intemperate than the former, in order to ground a vote of cenſure on Lord Buckingham, becauſe he will not convey our raſhneſs and intemperance to Great Britain. If Lord Buckingham had tranſmitted that Addreſs to Great Britain, he would have ſubjected himſelf to impeachment on his return there; if he had tranſmitted it, he would have committed a breach of his oath of allegiance; and if he had told you ſo in direct terms, he would have been fully juſtified in ſtating it. But what is his anſwer to your meſſage?—"That conſiſtently with his impreſſions of official duty, and of the obligations of his oath of office, he could not tranſmit your Addreſs to the Prince of Wales." Where then is the mighty offence againſt your dignity? Does the Houſe know that the Lord Lieutenant of Ireland acts under an Engliſh commiſſion, and under ſecret inſtructions from his Majeſty, which he is bound to obey at the peril of his head? Does the Houſe know what theſe inſtructions are? and if they do not, will they enter into a Reſolution hoſtile to Great Britain, hoſtile to the connection of the two Crowns, in order to ground a cenſure upon the King's repreſentative, becauſe he tells you he cannot act in contradiction to what he conſiders to be his official duty, and the obligations of his oath of office? And give me leave to ſay, if the Marquis of Buckingham could ſtop the Addreſs which we have voted from going into Great Britain, he would confer an eternal obligation on the Iriſh nation; for if that Addreſs ſhould ever reach the Prince of Wales, it is impoſſible that any man in England will be ſo raſh as to adviſe his Royal Highneſs to act under it. The Right Hon. Gentleman will pleaſe to recollect that Engliſh Miniſters are reſponſible to the Engliſh nation, and that unfortunately the orders or the opinions of the Lords and Commons of Ireland will not be an excuſe to an Engliſh judicature, for a breach of the laws of England: and therefore before we proceed to further violences, it may be adviſeable to wait his Royal Highneſs's Anſwer to our Addreſs; and if his anſwer ſhould be, that he cannot take upon him to ex-

erciſe Royal powers in Ireland, by authority of this Addreſs, what will be the ſituation of the two Houſes of the Iriſh Parliament? How will their dignity brook the reproof? But if his Royal Highneſs ſhould be adviſed to aſſume Royal powers under the authority of this Addreſs, Gentlemen will find inſuperable difficulties in their way in framing a Bill, which the Right Hon. Gentleman profeſſes his intention of propoſing. It will be utterly impoſſible to frame ſuch a Bill upon the model of your Addreſs. The Bill which has paſſed the Britiſh Houſe of Commons makes the Regent an aſſiſtant to his Majeſty, and confers on him an office of truſt under the Crown. When we come to frame our Bill, we muſt conform to the model of the Engliſh Bill: whether the powers to be committed to the Regent by our Bill be the ſame, or whether they are more extenſive than the powers committed to him by the Engliſh Bill, the nature of his office muſt be the ſame in both countries. What then will become of your Addreſs, which purports to confer on his Royal Highneſs, not an office of truſt, not the duty of aſſiſting his Majeſty during his indiſpoſition, but full and unlimited Royal powers, to be exerciſed by him in his own right, as Prince Regent of Ireland?

The Attorney General then proceeded to take notice of ſome aſſertions that had been made with regard to the privileges of the two Houſes, which were ſaid to be violated by the Lord Lieutenant's refuſal to tranſmit the Addreſs. He called to their recollection the conduct of one of the moſt worthy and amiable men of his time, the late Mr. Ponſonby; that truly Honourable man, when Speaker of the Houſe of Commons, had refuſed to carry up an Addreſs to Lord Townſhend, alleging as his excuſe, that he found it inconſiſtent with his feelings of honour to carry up the Addreſs of Thanks to a Chief Governor, who had offered an inſult, as he conceived it, to the Commons when they had laſt met. Did any man object to Mr. Ponſonby for this refuſal? No. His refuſal was deemed to be an act highly honourable to him; and the Commons, far from cenſuring their own ſervant, for acting from the impreſſion of his truly honourable feelings, returned him their

their unanimous thanks for his faithful and eminent ſervices. The Houſe did not reſolve, That it was the undoubted duty of the Speaker to carry up to the Lord Lieutenant whatever Addreſs they ſhould think proper to direct him to preſent—no, they had the juſtice and liberality to acknowledge, that it is the privilege of a Gentleman to act from the impreſſions of an honourable mind; and if the truly Honourable Gentleman to whom I allude, had an enemy in this country, his conduct upon this occaſion muſt have made him bluſh. If then the Commons in 1771 did not think themſelves at liberty to cenſure their own ſervant, who refuſed to take up their Addreſs from the impreſſions of honour and duty, what right have we to proceed to the violence to which the Right Hon. Gentleman would now lead us? The Lord Lieutenant tells you, that, conſiſtently with his duty and his oath, he cannot tranſmit your Addreſs. What right have the two Houſes of Parliament to call upon him to tranſmit an Addreſs to any perſon but to the King of England? To a ſubject, however high in rank, you have not the ſhadow of right to call upon the King's Repreſentative to tranſmit an Addreſs. But when the Lord Lieutenant tells you, that your Addreſs calls upon his Royal Highneſs the Prince of Wales to do an act not warranted by law, when he is confirmed in that opinion by the Chancellor and the Chief Juſtice of Ireland, if he were to tranſmit that Addreſs, he would ſubject himſelf to impeachment on his return to England.

For the laſt ſeventeen days his Majeſty has been in a progreſſive ſtate of amendment, and, by the laſt accounts, no doubt is entertained of his ſpeedy and perfect recovery; ſuppoſe then there ſhould be another examination of his phyſicians, upon which it ſhould turn out that his Majeſty may be competent to buſineſs; and that our Ambaſſadors, when they arrive in London, ſhould be interrupted in their progreſs by his Majeſty on his way to meet his Parliament;—what are they to do?—are they to ſuppreſs their credentials, and ſneak back to Ireland? or are they to preſent our Addreſs to the Prince?—This, perhaps, may be a dangerous experiment; it may, perhaps, be

deemed an overt act of treaſon to the King, for which they may be arreſted as traitors to the Crown of Great Britain.—Poſſibly then the event of this high and mighty embaſſy may be, that the Commiſſioners of the Lords and Commons of Ireland may ſneak back to their maſters with the melancholy information, that, from pure fear of the Middleſex Juſtices, they did not dare to execute their commiſſion. There is but one ſenſible mode that you can purſue—wait till his Royal Highneſs the Prince of Wales is appointed Regent, and then, by an Act of the Iriſh Legiſlature, recogniſe his authority ſo far as it may be neceſſary to recogniſe it in Ireland: but let not this iſland pretend to take the lead in providing for the exerciſe of the Royal Authority in the preſent emergency.

And now, Sir, give me leave to ſay, that as there is not a lawyer in this kingdom, and I am confident I might ſay in England, who will aſſert that an Addreſs of the Lords and Commons of Ireland can convey regal powers; as the firſt law authorities in this kingdom have proteſted againſt ſuch a principle; and, indeed, every member of the Upper Houſe who ſupported this Addreſs aſſerted that it was only a form of compliment, or reſpect, calling upon the Prince to accept of powers to be hereafter beſtowed upon him by Act of Parliament; as every ſober man deſerted it on the ground of conferring power; give me leave to ſay, that it is an act of inſanity to commit the two kingdoms, by preſſing the Reſolution propoſed by the Right Hon. Gentleman, a Reſolution which he profeſſes to be intended only as a foundation for cenſuring the Lord Lieutenant. Sir, if it be any gratification to the Gentlemen of the Majority to cenſure Lord Buckingham, becauſe, in compliment to them, he would not renounce his allegiance to his Sovereign, let them do it without this Reſolution; for though I ſhall always be grieved to ſee the Parliament of Ireland committed with the King's Repreſentative, yet I ſhall always conſider it a matter of infinitely more ſerious conſequence, to commit the Parliament of Ireland with the Britiſh Nation: in ſuch a conteſt Ireland muſt be the loſer.

Mr.

Mr. *Forbes* obſerved, that he conſidered it as incumbent on every Member of that Houſe to enter his Proteſt againſt the arguments advanced and maintained by the Right Hon. Member (the Attorney General), which united to eſtabliſh this dangerous and unconſtitutional doctrine, That the Regent of England was *de jure* Regent of Ireland. He was concerned and aſtoniſhed, that ſuch a doctrine ſhould originate in the Iriſh Houſe of Commons, when he recollected, that in the courſe of the debates in the Engliſh Parliament on the Regency, our right to appoint a diſtinct Regent, independent of Great Britain, was generally admitted, after Mr. Pitt's opinions on the ſubject of right had been adopted.

The arguments which had been urged by the Right Hon. Member were founded on a conſtruction of the law of Poynings, and the ſtatutes paſſed in explanation of it, and on Chief Baron Yelverton's Act: he obſerved, that the Legiſlature, when thoſe Acts were paſſed, had not the preſent emergency in contemplation; the Legiſlature, in framing the proviſions of thoſe laws, proceeded on this principle—"That the executive power of both countries was veſted in one perſon, on whoſe head the united Crowns of Great Britain and Ireland were placed." By the proviſion which required that our Bills ſhould be returned certified under the Great Seal of England, it was not intended that the King of Great Britain ſhould legiſlate in Ireland as King of Great Britain; but as, from neceſſity, the King of Ireland always reſided in Great Britain, and was alſo King of Great Britain, it was provided, that he ſhould affix the Great Seal of England to our Bills, not as the organ of his will as King of the latter country, but as the beſt evidence and moſt ſolemn authentication of the will and pleaſure of the King of Ireland, as to the paſſing into laws ſuch of our Bills as were ſent over for his approbation. He then adverted to the preſent ſituation of the two countries, a ſituation which does not appear to have been in contemplation of the Legiſlature of either country at any period till the preſent; the King of England and Ireland is rendered incapable by indiſpoſition of exerciſing the Royal authority: after this incapa-

city had been aſcertained by Parliament in England, the Miniſter of that country declared, that every ſubject had equal right with the Heir Apparent to the Regency—his opinion was adopted by both Houſes. If the two Houſes of Parliament in England had this right, it was equally competent for the Lords and Commons of Ireland (as branches of a ſelf-exiſtent and independent Legiſlature, ſimilar in conſtitution and privilege to that of Great Britain) to appoint any ſubject Regent of Ireland; but according to the principles eſtabliſhed in England, the two Houſes might reject the claims of the Prince of Wales, and appoint the Lord Mayor of London Regent.

Does the Right Hon. Gentleman mean that the two Houſes of Parliament in Ireland would be obliged by any law to adopt *ſuch a perſon* as Regent of this kingdom, on the principle, that unleſs the ſame perſon who is Regent of England is alſo Regent of Ireland, all the functions of our Legiſlature muſt be ſuſpended for want of that Great Seal?

Is not this in effect a declaration, that the Regent of England is *de jure* Regent of Ireland?—We are called on to ſacrifice the ſubſtance to the ſigns of our Conſtitution, and to adhere to the letter of Acts, in which there is no proviſion for this emergency; and laws paſſed to ſecure the independence of our Parliament are to be perverted, by forced conſtructions, into inſtruments for eſtabliſhing a moſt humiliating and dangerous dependance. Fortunately, there is no reaſon to apprehend that the Parliaments of the two kingdoms will differ in the choice of a Regent; but if they had differed, he truſted no Member of this Houſe would have urged us to have ſacrificed the independence of our Legiſlature, to the uſe of the Great Seal of England to be affixed to our Bills: others have been repealed; the neceſſity of the caſe would have juſtified the meaſure, the neceſſity which had juſtified all the proceedings of the Convention at the Revolution; and what neceſſity could be more urgent with reſpect to Ireland?—we were obliged to ſupply the want of a third eſtate, or all the functions of our Legiſlature muſt be ſuſpended; and, to effect this purpoſe, we muſt either

either repeal the proviſion of the Act reſpecting the Great Seal, or be reduced to a condition of the moſt abject dependance, by admitting the Regent of England *de jure* Regent of Ireland:—no real friend to his country could heſitate in making his opinion on ſuch an occaſion.

Mr. Forbes further obſerved, that if any embarraſſments occurred in this buſineſs between the two countries, they were to be imputed to the principle on the ſubject of right eſtabliſhed by Mr. Pitt, which was laid down in too extenſive a manner, though he agreed the Prince had not a right to aſſume the Government without the conſent of Parliament. He alſo ſaid, that this queſtion of right would not have been agitated, had not the Lord Lieutenant, by his anſwer, challenged the two Houſes to the diſcuſſion. Mr. Forbes added many other arguments, which naturally aroſe from the ſubjects treated in the courſe of the debate.

The *Attorney General.* I would wiſh to explain:—I never ſaid, that a Regent appointed by the Parliament of England is, *de jure*, Regent of Ireland. If a Regent of Great Britain and Ireland be appointed by his Majeſty, under the Great Seal of England, ſuch a Regent is, *de jure*, Regent to all purpoſes of Ireland. But if a Regent of Great Britain be appointed by ſtatute, I conſider him, to all imperial purpoſes, Regent of Ireland by ſuch appointment; and I conſider him to be Regent of Ireland to all purpoſes of Legiſlation by a ſtatute of Ireland. But as to all ſuch Acts as are to be done in Ireland by the authority of the King's ſign manual, I conſider that the authority of an Engliſh Regent, appointed by ſtatute, is not ſufficient, until it be recogniſed by an Act of the Iriſh Legiſlature.

And now I will freely acknowledge to the Hon. Gentleman, that, on a ſuperficial view of this ſubject, it ſtruck me as it ſeems to have impreſſed him; but, upon mature conſideration, I formed the opinion which I now entertain, and the more I revolve it in my mind, the more firmly I am convinced, that it is founded on the clear and ſound principles of our Law and Conſtitution.

I am

I am not very certain that I was in the Houſe when that Act paſſed: however, I do not find any fault with the Act; on the contrary, I am of opinion that there is great wiſdom in the principle of it. The Hon. Gentleman ſaid ſomething of the party, or the man, under whom I act; Sir, I am an officer of the Crown; I act under my Sovereign George the Third, and no other; his right, and the rights of his people of Ireland, I maintain: Sir, I diſdain to act under any man, or ſet of men, in England: I wiſh this principle was more general.

Serjeant Toler. When the queſtion of the original Addreſs was introduced, however it might have appeared as mere preparatory invitation, and as a prelude to a Bill, yet the principle on which it was debated, and the doctrines which accompanied it, became dangerous in the extreme. It was the haſty work of one night; one third of thoſe who would willingly have diſcuſſed the meaſure had not an opportunity of delivering their opinions; but the meaſure was carried on with an overbearing rapidity that precluded inveſtigation; as if this Houſe had been taught to believe, that the nation, like the *woman that deliberates, is loſt.* He ſaid, that the Reſolution at preſent propounded contained an aſſertion of law, and evidently pointed to a cenſure, neither of which were warrantable, from the circumſtances of the caſe; but both of which tended to diſunion and miſchief. It was not his intention to lower the pride of the country; he hoped that it would always be ſupported by an haughty nobility, a ſpirited gentry, and a ſturdy Houſe of Commons; but he hoped alſo that the country would never want a Governor, who was firm, and who had fortitude and fidelity enough not to betray thoſe prerogatives which the King had entruſted to him, for the good of his people. If in the precipitate caprice of a moment an haſty meaſure had been adopted, the ſober language of the conſtitution ſays, that it remains to the firſt executive magiſtrate to aſſuage the exceſs of democratical principle, which it was his duty to control. But if the Lord Lieutenant had complied with the requiſition that was made to him, he would have acted in direct violation of his truſt and of the law of the land,

and

and contrary to the opinion of nine tenths of the legal men of Ireland, excluſive of the ſtatutable annexations of the Crown of Ireland to that of England, under the ſtatute of Henry the Eighth, by the ſpirit of which the unity of the executive magiſtracy, in every poſſible caſe, was meant to be provided for. There is no part of the ſyſtem which connects us with Great Britain that would not receive a ſhock by the meaſure propounded. By this meaſure, the principle of ſeparation is avowed, in leaving it to the poſſibility of the event. Adoption of mode, or of following in point of time, are diſclaimed; and inſtead of uniformity as to the legal transfer of the power, or of certainty as to the identity of the perſon to be inveſted with it by Great Britain, we ſubſtitute the hazard of a probability as to the perſon, and abandon the deliberate wiſdom of legiſlation, for the incompetent and unprecedented inſufficiency of a vote.

It has been argued, that we could not proceed to legiſlate through an Engliſh Regent, without ſurrendering and diſclaiming the Iriſh Monarchy. The aſſertion is unfounded, though it comes from a Gentleman (Mr. Forbes) whoſe ſentiments deſerve to be treated with reſpect. Antecedent to the Act of Poynings, it was competent to the Lord Lieutenant to give the Royal Aſſent to Bills that had paſſed the Houſes, without the intervention of any ſpecial authority for the purpoſe from Great Britain. The diſtractions which had prevailed in this country during the early period of Henry the Seventh, and the haſty meaſures which had been adopted by the Government and Legiſlature of Ireland, to the endangering of our connection with England, gave origin to the 10th of Henry the Seventh, and to thoſe proviſions of communication, which are thereby enjoined between the two kingdoms, under their reſpective Great Seals, in the progreſs of Iriſh legiſlation; and it is obſervable, that ſhortly before the paſſing of that law, the Royalty of Ireland had been haſtily transferred to the impoſtor Simnel, who was crowned in the cathedral church of Dublin, was inveſted with Royal authority, and convened a Parliament, in which laws were enacted, confiſcating

ing the property of his oppoſers. The deputy of that day ſanctioned the impoſture, and as a partiſan of Engliſh faction he fomented that party zeal which always hurries men of warm tempers into enterpriſes of danger and innovation. But the miſchief was to be remedied, and the law was enacted, which was meant as a bond of ſecurity, and cemented intereſt with Great Britain, by enſuring communication and concurrence in matters of common concern. The ſalutary principle of the law has been the theme of political eulogium, and has been moſt emphatically dwelt upon by the great Molyneux, whom every man is proud to make the pole-ſtar of his courſe. —Through the various modifications of that law, by the Act of Philip and Mary, and that of the Lord Chief Baron Yelverton, the great principle has been preſerved; and when the ceremonies are, as obſerved, and the requiſites are complied with, as under the latter law, which has condenſed and circumſcribed with a maſterly hand, and aſcertains the mode of communication with the head of the empire, ſpeaking through his reſpective Great Seals; thoſe ſuperadded ceremonies being complied with, the conſtitution remains to act as before the Act of Poynings was made, and the Lord Lieutenant of Ireland is competent, by virtue of his commiſſion, to give the Royal Aſſent under that authority which you yourſelves recogniſed as authoriſed to call you together, and to give the name and functions of a Parliament.

I do not wiſh to embarraſs my countrymen with legal diſquiſitions, or to involve them in the myſteries of a political, any more than of a religious controverſy; the relative attributes and diſtinctions of Royal and Legiſlative, as well as of Divine authorities, are ſubjects of dangerous ſpeculation for the many; and in giving the opinion of an individual, no man ſhould have the blaſphemous audacity to pronounce, that he muſt be everlaſtingly damned who does not thus think of the Regency.

There is no man who does not know that the introduction of the preſent conteſt in Ireland, originated from a deſire of reprehending the mode that had been adopted in the Britiſh Parliament;

Parliament; otherwiſe, we never could have a diſpute upon a buſineſs where all men were agreed upon the illuſtrious object of our choice, and in conferring the Regency without reſtriction. It was hoped that contention of parties in England, if it ever reached us, would have come here as a ſpent plague, which the temperature of our climate would have vanquiſhed; but even in the moderation of the Gentleman who ſpoke laſt (Mr. Forbes), we find, that a freſh portion of infection arrives in every packet; and the inveteracy of the diſorder, inſtead of ſubſiding, has fatally attached itſelf upon the weak part of the conſtitution.

But whence has this conteſt been forced upon us? The Lord Lieutenant's Secretary propoſed, on the firſt day, to proceed by a Bill in the mode which England had adopted, and which was more peculiarly neceſſary to this country, as we thereby enſured confidence and uniformity in a matter where unity and identity were indiſpenſable: but the dignified character who oppoſed it (Mr. Grattan) ſoared above the ſober forms of law; and although the door was open, and the way clear, he would inſiſt upon climbing in at the window, like Dick the apprentice aping Ranger, *neck or nothing, up I go*, to the hazard of his own ſafety, and of every man that followed him.

What ſhall prevent us to-morrow from adopting a different Mutiny law, or diſclaiming an uniformity of religion? The unity of the executive magiſtrate has been well called the ſolitary bond of union with England; but can it exiſt for a moment, if a poſſibility remains of the legiſlatures being diſcordant upon the ſubject: and unleſs one is ſuffered to take the lead, the alternative is obvious. With two legiſlatures ſo liable to pull different ways, no authority can govern; and the auguſt Perſonage, if deluded to ſuppoſe he could direct them, *though he were to beſpeak the chariot but for a day, he might ſet the world on fire.*

A meſſage from the Lords was announced.

Sir *John Blaquiere* moved, that the meſſengers be called in; ſome oppoſition being given to this motion, Sir John ſpoke of it

it as a matter of privilege; this was denied by the Attorney General (and indeed by the whole Houſe); the Attorney ſaid no one was privileged to interrupt the debates of that Houſe; if, however, the Right Hon. Gentleman would deſire it as a favour or matter of complaiſance, he would not oppoſe the entrance of the meſſengers, but he would never throw the privileges of the Commons at the feet of the Lords.

Sir John deſired it as a matter of favour, and thereupon the Houſe adjourned the debate of the preſent queſtion for a quarter of an hour, and the meſſengers from the Lords, Mr. Walker and Mr. Burrows, two Maſters in Chancery, were admitted. Their meſſage was, "That the Lords had concurred in the Reſolution of the Commons, and had appointed his Grace the Duke of Leinſter, and the Earl of Charlemont, to join with ſuch Members as the Commons ſhould appoint to preſent the Addreſs of both Houſes to his Royal Highneſs the Prince of Wales."

Mr. *Grattan* ſaid, he did not think it neceſſary at ſo late an hour to go into the merits of the Gentlemen that he ſhould propoſe; they were all men of tried and approved integrity, and whoſe characters were ſo well known to the Houſe, that even if there was time for pronouncing an eulogium, any thing he could ſay would not add to the high eſtimation they bore in the Houſe, and in the nation; he firſt named the Right Hon. Thomas Conolly.

Mr. *Conolly* roſe and ſaid, he hoped that in whatever ſituation he had ſtood for eight and twenty years, the Houſe had thought, that though he might not have always acted with the greateſt wiſdom, he had always acted with the utmoſt integrity and zeal for the intereſt of this country and its inſeparable connection with England; and he aſſured the Houſe, that if any thing he was now expected to do, could tend to a ſeparation from England, he would reject it. He obſerved, that he had ſeen times as difficult as the preſent. When he had ſeen the people going ſo far, he had oppoſed them even when he ſtood ſingle; he had alſo oppoſed Governments, which he thought were in the wrong; there was one point he would

would ever keep in view—there muſt be one head of the Empire, and that head muſt be the King of England—this muſt be the bond of connexion between the two countries, and to preſerve it entire, he would at any time riſque his life and fortune.

The *Attorney General* ſaid, though he had hitherto oppoſed every ſtep of the preſent buſineſs, yet as he ſaw it would go forward notwithſtanding his utmoſt endeavours, he thought it could not be in ſafer hands than thoſe of the Right Hon. Gentleman, whoſe integrity the nation had long experienced; he would therefore vote for his being one of the Meſſengers.

The queſtion being put on Mr. Conolly, it paſſed *nemine contradicente.*

Mr. *Grattan* then propoſed,

The Right Hon. J. O'Neil,

The Right Hon. Wm. Brabaſon Ponſonby, and

Mr. J. Stuart;

and the queſtion being put on each, ſeverally, paſſed alſo *nem. con.* Each of the above-named Gentlemen having in very polite and handſome terms thanked the Houſe for the honour of the truſt repoſed in them,

The *Attorney General* roſe to declare, that he held them all in high reſpect, and that his opinion of their honour and integrity was the ſame he had expreſſed of the firſt-named Gentleman.

The *Solicitor General* ſpoke long and ably againſt the principle of the Addreſs, and againſt the preſent Reſolution; he proceeded on the ground of law and conſtitution; but as the Attorney General and other lawyers had ſo completely beaten that ground, that it was impoſſible to ſtart a new argument, we forbear detailing the Solicitor General's ſpeech.

Mr. *Neville* deſired juſt to compare the anſwer given by the Prince of Wales to the letter of Mr. Pitt, with the anſwer given by Lord Buckingham to the Parliament of Ireland. The Prince's words are, "concerning the ſteps already taken, the Prince is ſilent, nothing done by the two Houſes can be a proper ſubject of his animadverſion."

The *Attorney General.* Sir, I agree with the Right Hon. Gentleman, that theſe words can only tend to lengthen the paragraph; for if we can confer the powers of the Crown upon any ſubject, he is bound to exerciſe them according to the laws and conſtitution, whether we ſtipulate for ſuch exerciſe or not; and therefore let no man ride off upon this curioſity, for it ſignifies nothing whether the words be added to the paragraph or not.

The *Chancellor of the Exchequer.* Sir, I do not underſtand what the Right Hon. Gentleman means by my riding off on a curioſity. This, Sir, is no curioſity; a curioſity is a ſingular opinion, ſported lightly by a ſingle perſon; but my argument, Sir, is not of that nature, the Addreſs intends by a ſingle act to confer the Regency on his Royal Highneſs; my amendment goes to ſtipulate a condition, the condition of governing according to law and conſtitution.

Sir, while I act with a government, I am always ready, upon being conſulted, to ſubmit my opinion to theirs, but when I am not conſulted, I will not be dictated to.

The queſtion was now put on the Chancellor of the Exchequer's amendment, and carried without any diviſion: and then the queſtion being put on Mr. Grattan's Reſolution ſo amended, the Houſe divided,

Ayes for the Reſolution - -	130
Noes - - - -	71

HOUSE OF LORDS.

Friday, Feb. 13.

A motion was made that the conſideration of the Addreſs ſent from the Houſe of Commons ſhould be poſtponed to Tueſday.

The *Lord Chancellor* urged the neceſſity of deferring the queſtion of the Regency till Tueſday, as England had not yet decided on that important ſubject, and it would be rather premature in Ireland to determine, before we knew what was the executive power in England, which ought by law to be the ſame with that of Ireland.

Lord *Bellamont* deduced from ſeveral ſtatutes, that the Crown of Ireland, and that of England, were, and ought to be, always veſted in one and the ſame perſon. He proved, that nevertheleſs the people of Ireland had an undoubted right to chooſe whoever they pleaſed for their Regent, in conſequence of the mutual independence of the two kingdoms. He, however, was ſatisfied, that there was no perſon more proper to ſupport that truſt than the Prince of Wales; but as we had no authority to becertain that the Prince would accept the Regency of Great Britain, and if he ſhould refuſe it, which was a caſe that could be eaſily ſuppoſed, what ſituation would Ireland be in, if ſhe proceeded without conſideration in too haſty a manner? The Great Seal of England would be independent of the Iriſh Regent, and ſo our bills could never be paſſed, without the conſent of the Iriſh Regent, and of the Engliſh Regent too, if they ſhould happen to be different perſons.

The Duke of *Leinſter*, Lords *Farnham*, *Donoughmore*, and *Dunſany*, and the *Archbiſhop of Caſhel*, wiſhed to proceed without delay.

Lord *Earlsfort* declared, as Chief Juſtice of the country, he was called upon for an opinion, and ſaid, that the Heir Apparent ſhould enjoy the privileges of prerogative in the moſt unqualified manner, without reſtrictions or limitations; but in the ſhape the Addreſs of the Commons of Ireland appeared, it

was his opinion, that the Addreſs was premature, unwarrantable, and illegal; becauſe, it did not appear by any proof whatſoever that a Regent had been appointed in England; and as the Crowns of England and Ireland were inſeparably united in one perſon, it was therefore unwarrantable to diſpoſe of the Royal authority, and elect any perſon with the powers of a King, before the demiſe of a lawful Sovereign had taken place; the neceſſity of the caſe, however, required, that a Regent or temporary ſubſtitute ſhould be appointed; but while there are any hopes of his recovery, or a ſhred of lawful authority remaining, he ſaid, that, for his part, he would guard the rights of the Sovereign, to whom he had ſworn ſolemn allegiance; and he was of the firm opinion, that the preſent Addreſs was illegal, becauſe there were two Acts of Parliament exiſting, that provided a remedy for ſupplying any defect which might occur, which were an Act of the 24th of George the Second, and the 5th of his preſent Majeſty. His Lordſhip then went into a moſt affecting lamentation of his Majeſty's ſtate of health, but formed the ſtrongeſt and moſt ardent hopes of his Majeſty's recovery, and made a beautiful concluſion from the words which Shakeſpeare puts into the mouth of Lord Chief Juſtice Gaſcoign, to Henry the 5th, where he calls forth the affection of the ſon, and the duties of the Heir Apparent. On the whole, he expreſſed himſelf ſtrongly for the unreſtricted power of the Prince as Regent; but he was of opinion, the preſent proceedings were haſty and informal.

The Earl of *Glandore* ſaid, the queſtion was of ſuch importance, involved in it conſiderations of ſuch magnitude, and tended to conſequences ſo likely to affect the nature of that connection which ſubſiſted between this Kingdom and Great Britain, and upon which every eſtabliſhment in this Country did depend, that before they proceeded to vote the Addreſs, which was ſent up from the Commons, it was incumbent on them to examine, with temper and with caution, how far they were warranted to adopt ſuch a meaſure, conformably to the principles of the Conſtitution, to the ſeveral Statutes explanatory of it, and to the practice of their Government; that

in

in all their proceedings, they ſhould ever keep in view thoſe great and leading principles. It was that which muſt deeply intereſt every man who thought the connection with Great Britain a benefit to this country, but chiefly, and above all, the illuſtrious perſonage who was the object of that Addreſs, he was peculiarly concerned in maintaining the unity of that Crown he was deſtined to wear, and the indiſſoluble connections of thoſe kingdoms he was born to govern. If he underſtood any thing of the nature of that relation which this Country bore to Great Britain, it was this:—the Kingdom of Ireland, though poſſeſſing a diſtinct and independent Legiſlature, yet in reſpect of its ſovereignty, it held of the Crown of England, and not of the perſon of the King, was inſeparably annexed to that Crown by the Statute the 33d Henry VIII. and further declared to be ſo by the Act of the 1ſt of William and Mary, which recognized their Majeſties title; and in the contemplation of the law and the Conſtitution, it had always been conſidered, without derogating from the independence of its Parliament (he believed he was warranted in making uſe of the expreſſion), as being a part or parcel of the dominions of the Imperial Crown of England; he meant that the Crown of England did include the Crown of Ireland; in this reſpect differing eſſentially from the relation in which Scotland ſtood to England before the Union; the Kingdom of Scotland was a ſeparate Imperial Crown; there the connection was merely accidental, the Crown of England having devolved upon the head of the King of Scotland, their only connection conſiſted in their having one common Sovereign, in like manner as England and Hanover have at this day; but ſo feeble and precarious was ſuch a bond of connection, that it was now fairly matter of ſpeculation, whether, if the Union had not taken place, the Crowns of England and Scotland would not at this day be placed upon different heads; for the Scottiſh Parliament had repeatedly refuſed to limit the ſucceſſion of their Crown to the Princeſs Sophia, the next Proteſtant heir of the Royal line; nay, they had expreſsly provided, in their Act of Security, that the Crowns of England and of Scotland

ſhould not be worn by the ſame perſon, upon the eventual demiſe of the Queen. Foreſeeing this, and alarmed at the conſequences of having a ſeparate independent Kingdom governed by its own Sovereign, revived within the iſland, thoſe great Stateſmen, Lord Godolphin and Lord Cowper, co-operating with the Duke of Queenſberry and other diſtinguiſhed characters in Scotland, who entered into the ſame views, brought about that great work of the Union, a meaſure unneceſſary, at leaſt with reſpect to the ſucceſſion to the Crown, had Scotland ſtood to England in the ſame manner as Ireland now did. Their buſineſs was not now to reform the Conſtitution; their duty in the preſent exigency, was to act upon it, ſuch as it was acknowledged and defined; and ſo long as the Act of the 10th of Henry VII. remained upon the Statute Book, and was part of the law of this land, it was impoſſible they could adopt the meaſure which had been propoſed, without departing eſſentially from the principles of the Conſtitution; that Act was thought to be of ſuch high importance, that not long ſince, in the year 1782, the æra of the liberties of Ireland, when in certain reſpects, wherein it was conſidered, and juſtly conſidered, as intrenching upon the privileges of the two Houſes of Parliament, it was ſo far forth modified and explained, that the main object of that law, which declared it to be indiſpenſable, that before a Bill could receive the Royal Aſſent here, it ſhould be ſent back certified under the Great Seal of England, that part of it was untouched, was confirmed. What then were they now called upon to do? To vote an Addreſs to his Royal Highneſs the Prince of Wales, to aſſume the Regency of this Kingdom before they had any authority to know that his Royal Highneſs was inveſted with that power, which could enable him to adminiſter the Government; for until he had authority to direct the uſe of the Great Seal of England, he could neither grant a commiſſion for giving the Royal Aſſent to a Bill here, nor appoint a Lord Lieutenant of Ireland. That his Royal Highneſs the Prince of Wales was the only proper perſon to fill the high office of Regent of Great Britain and Ireland during the incapacity of the King,

was

was a truth to which no man in this nation could be more ready to aſſent than he was; and with reſpect to what had engaged the attention of other great aſſemblies, who had been diſcuſſing queſtions of right and abſtract propoſitions, had they proceeded to the exerciſe of that right which they aſſerted to belong to them, and choſen any other perſon than his Royal Highneſs the Prince of Wales, the Heir Apparent to this hereditary Monarchy, to be Regent of Great Britain, it might have been attended with ſuch conſequences with reſpect to this Kingdom, as would have amounted to a ſeparation from Great Britain, and a revolution in the State; but though there was but one opinion amongſt them, that his Royal Highneſs the Prince of Wales was the only proper perſon to fill this high ſtation, yet let them be governed in their proceedings by the laws of the land, and the principles of the Conſtitution; above all things keeping in view that great and capital feature of it, that the Kingdom of Ireland held of the Crown of England, and not of the perſon of the King. Abandon this principle, and what became of the ſettlement at the Revolution? The Parliament which King James the Second held in this Kingdom, when he ſat on that Throne, was then a legal Parliament, and all the attainders which paſſed in it were law. From the cleareſt and fulleſt conviction, that any proceedings on the part of this country, which ſhould in any degree militate againſt thoſe known and eſtabliſhed principles, muſt be attended with conſequences the moſt ruinous and pernicious to the State, he muſt give his vote for poſtponing the conſideration of the Addreſs. With reſpect to the illuſtrious Prince who was the ſubject of it, he was bold to aſſert, there was not a man in either Kingdom who entertained higher ſentiments of duty and attachment to him than he did, inferior only to thoſe ſentiments of loyalty and allegiance which he owed to the King his Father; and whilſt he offered his moſt ardent wiſhes, that his Royal Highneſs's Government might be ſucceſsful and glorious, he would not forego the flattering hope, that the happy day might at length arrive, when it would pleaſe God to reſtore that moſt virtuous and paternal Monarch to the wiſhes and prayers of his

ſubjects; he could have no motive of private conſideration to influence his conduct upon this occaſion; the part which he now took, if report were true, was not that which was likely to recommend him to thoſe who it was expected were ſoon to be appointed to ſituations of power; nor had he, on the other hand, the motives of gratitude to ſway him; for to the preſent Adminiſtration he owed no obligation; but if it were true, that one ſelf-approving hour could fully compenſate for all the rewards which power or popularity could beſtow, he ſhould reſt ſatisfied in the conſciouſneſs of having diſcharged his duty, as a Member of that Houſe, and a ſubject of this country, in ſupporting thoſe principles, from which if they departed, he had the fulleſt conviction they ſhould thereby give a ſhock to the Conſtitution, and materially alter the nature and frame of their Government.

He was followed by Lords *Hillſborough* and *Tyrone*; at laſt there appeared on a diviſion,

Contents for poſtponing,	20
Not Contents,	40

A long converſation took place, whether proxies ſhould be admitted, as it was ſaid this was a Convention and not a Parliament; but this was at laſt given up, and there appeared

Content Proxies,	6
Not Content,	3

The Houſe then went into a Committee on the State of the Nation, Lord Ranelagh in the Chair.

Monday, February 14.

The Committee on the State of the Nation was reſumed, when Lord Charlemont moved, That the words 'Lords Spiritual and Temporal' ſhould be inſerted in and make a part of the Addreſs paſſed by the Houſe of Commons to his Royal Highneſs the Prince of Wales, to aſſume the office of Regent, and

to

to exerciſe the Royal Authority in Ireland during the continuance of his Majeſty's diſorder.

The Earl of *Glandore* ſaid, having ſo lately troubled their Lordſhips with his ſentiments upon this great queſtion, he ſhould now treſpaſs upon the attention of the Houſe but with a very few words. This meaſure appeared to him, in every point of view in which it could be conſidered, as ſo contradictory to the principles of the Conſtitution, and to go ſo directly in oppoſition to what was preſcribed by thoſe ſtatutes upon which their government had been hitherto conducted, that it well deſerved the moſt mature deliberation, before it ſhould receive the ſanction of their Lordſhips concurrence; for it was one of the high and peculiar functions which the Conſtitution had aſſigned to that Houſe, to correct and qualify the proceedings of the other Houſe of Parliament, when raſhly or unadviſedly taken; and for them at that moment to join in voting an Addreſs to his Royal Highneſs the Prince of Wales, to aſſume the Regency of this kingdom, before they had any authority to know that he was inveſted with that power which could enable him to adminiſter the Government, carried with it ſuch an appearance of levity, as was neither ſuited to the wiſdom of the two great Aſſemblies from which it proceeded, nor to the dignity of the auguſt Perſonage to whom it was intended to be conveyed; for until his Royal Highneſs ſhould have authority to direct the uſe of the Great Seal of England, he could not comply with the prayer of their Addreſs. In a late debate, he had alluded to the Parliament which King James II. held in this kingdom. Let them look to what was then the order of their proceedings: the very firſt ſtep they took was to bring in a Bill for the repeal of Poyning's law, well aware that this was a neceſſary preliminary to their future proceedings. If, then, what was aimed at, was to eſtabliſh a Government independent of the Crown of England, they were beginning at the wrong end. They ſhould firſt clear the way, by bringing in a Bill to repeal the ſtatute of 10th Henry VII.; and how was that to be accompliſhed? Where ſhould they find a Lord Chancellor of Great Britain who would put the

Great

Great Seal of England to a Bill for the repeal of Poyning's law? Moſt certainly not the great man who now filled that high ſtation, not more eminent for his great abilities, than for his fidelity and attachment to his Sovereign. But he would ſuppoſe a Chancellor the very reverſe of him, or of his much reſpected and noble Friend upon the woolſack. Suppoſing a Chancellor the very reverſe of theſe, it would be in vain to expect that, under the preſent circumſtances of the Sovereign Authority, he ſhould put the Great Seal of England to a Bill for the repeal of Poyning's law, becauſe nothing leſs than his perſonal ſafety would be concerned; for it would moſt unqueſtionably be made the foundation of a parliamentary impeachment, which moſt probably would end in the loſs of his head. In ſhort, notwithſtanding all that had been ſaid to the contrary in other places, all the declamations which had been made upon that popular theme of perfect independence, the fact was, that under the actual and exiſting Conſtitution of this kingdom, it was utterly impracticable that the functions of the Regal Office ſhould be exerciſed for Ireland by any other perſon than him who was at the ſame time Regent of Great Britain; and when, in a former debate, he ſaid, that had the Parliament of Great Britain proceeded to the exerciſe of that right which might have been attended with ſuch conſequences with reſpect to this kingdom, as might have amounted to a ſeparation from Great Britain, and a revolution in the ſtate, he meant that, conſidering the predilection in this country for the Heir Apparent of the Monarchy (a laudable predilection, and which nobody wiſhed more to be cheriſhed, than he did), they might reſiſt by force the Government of ſuch a Regent here; and therefore, when the Parliament of Great Britain were engaged in this important buſineſs, it was a circumſtance worthy of their conſideration, to take care to appoint ſuch a Regent as ſhould be acceptable to the Parliament and people of Ireland.

He hoped he was as good a friend to the Conſtitutional Independence of the Parliament of his country as any man who

who heard him; at leaſt he meant to be ſo: but he was not ſo ignorant of the Conſtitution, and of hiſtory, as not to know that there were certain acts which the Parliament of Great Britain could do, to which the Parliament of Ireland were not competent. It was declared by the Bill of Rights, that the King, Lords, and Commons of England could alter the ſucceſſion to the Crown; it was a right which they had exerciſed, and under it the Brunſwick Kings derived their title. But he never heard it aſſerted, or pretended, that the King, Lords, and Commons of Ireland could alter the ſucceſſion to the Crown; on the contrary, they were bound to acquieſce in ſuch a diſpoſition of it, as the King, Lords, and Commons of Great Britain ſhould make. Therefore, upon a review of the bearings of this relation between the two kingdoms, it did by no means derogate from the independence of the Parliament of Ireland to every purpoſe of legiſlation, to ſay that there were certain lengths to which it could not proceed. When the proper period ſhould arrive, no man would be more zealous to pay every tribute of duty, loyalty, and reſpect to his Royal Highneſs the Prince of Wales than he ſhould. His only wiſh was, that when in the courſe of nature it ſhould devolve to him, he ſhould receive the Imperial diadem ſurrounded with all its ſplendor, power, and inherent ſtability, ſuch as it was worn by his Father; and that it might be tranſmitted from his Royal Highneſs to the remoteſt poſterity whole and unimpaired.

At half paſt twelve o'clock the Houſe divided,

Contents	—	40	
Proxies	—	5	
		—	45
Not Contents	—	20	
Proxies	—	6	
		—	26
Majority againſt the Caſtle			19

The following is a liſt of the Iriſh Peers who voted for and againſt the Adjournment:

For

For the Adjournment.	*Againſt it.*
Archbiſhop of Dublin	Archbiſhop of Caſhell
Biſhops Oſſory	Tuam
Kilmore	Biſhops of Clonfert
Leighlin and Fernes	Killaloe
Earls Tyrone	Cloyne
Hillſborough	Waterford
Mornington	Duke of Leinſter
Laneſborough	Lords Charlemont
Courtown	Mount Caſhell
Bective	Portarlington
Bellamont	Grandiſon
Glandore	Dunſany
Carhampton	Wells
Viſcounts Valentia	Pery
Ranelagh	Caſtle Stewart
Inniſkellen	Shannon
Erne	Strongfort
Lifford	Allen
Chetwynd	Muſkerry
Longford	Loftus
Carysfort	Donoghmore
Conyngham	Leitrim
Mountmorres	Farnham
Earlsfort	Kingſale
Arden.	Meath
	Roden
	Drogheda
	Clanbraſſil
	Louth
	Arran
	Miltown
	Roſs
	Clanwilliam
	Aldborough
	Mount Garret
	Deſart
	Doneraile
	Granard
	Belvidere.

Tueſday, February 17.

As ſoon as prayers were read by the Biſhop of Oſſory,

The Earl of *Carrick* took the oaths and his ſeat, an event that would have happened yeſterday, but that his Lordſhip's patent could not be got from the Hanaper Office.

Two of the Maſters in Chancery were ſent down to the Commons, to inform them, that this Houſe had agreed to the Reſolution and Addreſs ſent up, with an Amendment.

The Yeoman Uſher gave notice of a meſſage from the Commons, who, on being admitted, the Right Hon. Thomas Conolly, from the Bar, acquainted the Houſe, that the Commons had agreed to the Amendment in the Addreſs; on which

The Duke of *Leinſter* moved, "That the Addreſs of the two Houſes of Parliament to his Royal Highneſs the Prince of Wales, to take upon him the Regency of this kingdom, be preſented to his Excellency the Lord Lieutenant for tranſmiſſion."

The motion being agreed to, his Grace alſo moved, "That the Lord Chancellor do wait on the Lord Lieutenant, to know when he will be waited upon with this Addreſs."—Ordered accordingly, and that the Lord Chancellor report his Excellency's Anſwer to the Houſe.

Friday, February 20.

The Duke of *Leinſter* moved, "that as his Excellency the Lord Lieutenant had declined tranſmitting the Addreſs of both Houſes of Parliament to his Royal Highneſs the Prince of Wales, Commiſſioners be appointed from this Houſe to carry the ſaid Addreſs to his Royal Highneſs."

Lord *Mountmorres* informed the Houſe, that ſince he had laſt the honour of addreſſing their Lordſhips, he had been lucky enough to find an inſtance of an Addreſs being propoſed by this Houſe to be ſent by Commiſſioners, though the caſe did not apply to the preſent; this was on a Motion of Lord Darnley, in 1737, to addreſs the late Frederick Prince of Wales on the birth of his eldeſt ſon, his preſent Majeſty,

which had been negatived; indeed his Lordſhip, the propoſer, ſtood ſingle. His Lordſhip then entered into a defence of the Marquis of Buckingham's conduct in refuſing to tranſmit an Addreſs to a fellow ſubject, ſuch as the Prince undoubtedly was. If, continued he, this Addreſs ſhould be ſent at all, it ſhould be by way of letter; which is the mode hitherto practiſed by your Lordſhips when you have addreſſed Lord Heathfield, and other diſtinguiſhed commanders, by land and ſea, who have ſerved their country. His Lordſhip then adverted to the Addreſs itſelf, particularly the title it gave to the Prince of Wales, Prince Regent! two ſubſtantives without a diſjunctive, where the title of dignity is put firſt; it was unprecedented. The Emperor of Germany, who is alſo a King, is not ſtyled the King Emperor; and the Duke of Orleans was ſtyled ſimply Regent of France, not the Duke Regent, &c. As, therefore, his Lordſhip had objected on a former day to the Addreſs itſelf, ſo he ſhould this day to its tranſmiſſion; for which reaſon he moved,

"That the farther conſideration of the Motion be adjourned to the firſt of October next."

Lord *Earlsfort* would not, after the ſentiments of the Houſe had been declared by ſuch decided majorities, give a peeviſh oppoſition to the further progreſs of this buſineſs; yet leſt his ſilence ſhould be miſconſtrued into an acquieſcence with it, he muſt oppoſe the original Motion.

The Earl of *Carhampton* expected a Motion would have been made, firſt to conſider of the mode moſt proper for conveying the Addreſs, before Commiſſioners were mentioned. How many Commiſſioners are there to be? What inſtructions are they to receive? What expences are they to incur? Are they to be conſidered as poſtmen or letter-carriers? I wiſh the noble Duke who made your Lordſhips this Motion would, as the vulgar phraſe is, let the cat out of the bag.

Your Lordſhips, continued he, have been told, that this Addreſs, without a Bill, cannot inveſt the Prince with the powers of Regency. Are your Commiſſioners to tell the Prince ſo, and that a Bill is to follow? But ſuppoſe ſuch a

Bill

Bill afterwards does not paſs, and that his Majeſty immediately recovers, what is to be done?

The Earl of *Portarlington* declared, that the objections he heard ſhould have been made in the firſt inſtance. As to the recovery of his Majeſty, it was a doubtful matter; Charles the Sixth of France was afflicted with a malady ſimilar to that of his Majeſty, which, though with ſeveral intervals, laſted for thirty years; as to the unhappy one which afflicts our Sovereign, we have no authentic documents that can in the leaſt warrant us to ſtop our proceedings.

The Earl of *Farnham* made ſome obſervations on Lord Mountmorres's ſpeech, which, he ſaid, ſtrayed from the object in debate. A Bill had been mentioned; but if we followed the example of Great Britain, their Lords and Commons firſt addreſſed the Prince, and then brought in a Bill.

Lord *Mountmorres* gave an hiſtorical detail of the Commiſſioners ſent by this Houſe to Great Britain in 1661, for the ſettlement of landed property, then at iſſue, through the various claims ſet up by adventurers and others.

His Lordſhip again adverted to the impropriety of the Parliament of Ireland's addreſſing a fellow-ſubject, for ſuch was the Prince of Wales, though confeſſedly the firſt ſubject in the realm; and ſuch did the greateſt Prince of Wales we ever had (Edward the Black Prince) conſider himſelf, when he took the trophy in the victorious field of Poitiers, and adopted its motto, *Ich dien*, which is tranſlated, *I ſerve*.

The Earl of *Bellamont* ſpoke againſt the original motion, and for its adjournment.

The Yeoman Uſher informed the Houſe, that there was a meſſage from the Commons. The meſſenger being admitted, the Right Hon. Mr. Conolly delivered at the Bar the meſſage, which was a Reſolution of the Houſe of Commons, "That as his Excellency the Lord Lieutenant had declined to tranſmit the Addreſs of both Houſes to his Royal Highneſs the Prince of Wales, Commiſſioners be appointed to carry

carry the ſame to his Royal Highneſs;" in which Reſolution they requeſted their Lordſhips concurrence.

The *Lord Chancellor* having put the uſual Queſtion, "That the Meſſengers be acquainted that an anſwer would be ſent by the Meſſengers of this Houſe," a tedious and deſultory debate aroſe on the point of order, whether the meſſage ſhould be read by the Chancellor before he diſmiſſed the Meſſengers, or not.

Three hours being nearly ſpent in this buſineſs, the Meſſengers were at laſt diſmiſſed, and the Meſſage being read by the Chancellor, the debate on the Duke of Leinſter's Motion and Lord Mountmorres's previous queſtion, was reſumed.

The Earl of *Carhampton* repeated his objections, and was again anſwered by the Earl of Farnham.

The Earl of *Tyrone* declared, that nothing which he had heard had in the leaſt altered his opinion reſpecting the impropriety of the Addreſs, which at one ſtroke conferred the Regency on the Prince, and all the powers of Royalty, without the ſanction of law.

The Lord *Chancellor* ſaid, that a Bill had indeed been mentioned as a matter intended; but was there a word of it in the Addreſs, or the moſt diſtant inuendo of ſuch a matter? What will his Royal Highneſs the Prince of Wales ſay to the Commiſſioners who ſhall preſent him with this Addreſs?—"You deſire me to take upon me the Regency of Ireland, without an Act of Parliament to impower me to exerciſe it." Will your Commiſſioners dare to promiſe for the Parliament of Ireland, that an Act ſhall be paſſed for the purpoſe? I cannot concur in ſuch abſurdities; I ſhall therefore vote for the noble Viſcount's motion, to adjourn the conſideration of this buſineſs to the firſt of October; let it ſleep till then, and we perhaps, when that time comes, may be of one opinion.

Lord *Valentia* declared, that the Addreſs intrenched on the compact between this kingdom and Great Britain, and was in the higheſt degree diſreſpectful to his Majeſty. His Lordſhip concluded with ſaying, that he was of no party, and ſo far from

from having reaſons to be attached to the preſent Miniſtry, he was under many *diſobligations* to them.

The queſtion on Lord Mountmorres's motion, for adjourning the conſideration of the Duke of Leinſter's motion, to the firſt of October, being put, the Houſe divided,

Contents,	—	17
Proxies,	—	4
		—21
Not Contents,	—	34
Proxies,	—	6
		—40
Majority againſt the motion of adjournment,		19

The queſtion was next put on the Duke of Leinſter's motion, to appoint Commiſſioners, when, as before, there appeared,

Contents,	——	34
Proxies,	——	6
		—40
Not Contents,	——	17
Proxies,	——	4
		—21
Majority,	——	19

The Earl of *Portarlington*, after a few obſervations on the neceſſity on ſo important an occaſion, to nominate noblemen of the higheſt rank and character, moved,

" That his Grace the Duke of Leinſter, and the Right Hon. the Earl of Charlemont, be appointed Commiſſioners from the Houſe to carry over the Addreſs to his Royal Highneſs the Prince of Wales."

After a few remarks from the Earls of Bellamont and Carhampton, in which the latter wiſhed the noble Lords were going on a better errand, the motion of Lord Portarlington paſſed without a diviſion.

Lord *Donoughmore* then moved, " That the Houſe do agree with the meſſage from the Houſe of Commons."

The queſtion being put, it paſſed without a diviſion.

Lord *Donoughmore* then moved, "That a meſſage be ſent down to the Commons by two Maſters in Chancery, to acquaint them of the concurrence of this Houſe with their meſſage; and alſo to acquaint them, that this Houſe has appointed his Grace the Duke of Leinſter, and the Earl of Charlemont, as its Commiſſioners, to carry the Addreſs to his Royal Highneſs the Prince of Wales."

Ordered accordingly.

PROTEST

Of the Iriſh LORDS againſt the ADDRESS to His Royal Highneſs the PRINCE of WALES.

DISSENTIENT,

1ſt. Becauſe the Addreſs in queſtion to his Royal Highneſs the Prince of Wales, is an Addreſs, requeſting that he will be pleaſed to take upon him the Government of this Realm in ſuch manner as is therein mentioned, and to exerciſe and adminiſter, according to the Laws and Conſtitution of this Kingdom, all Royal Powers, Juriſdiction, and Prerogatives to the Crown and Government thereof belonging, without any Law or Authority whatſoever that we know of, authoriſing him ſo to do.

2dly. Becauſe we are apprehenſive that the ſaid Addreſs may be conſtrued to be a meaſure tending to diſturb and weaken that great Conſtitutional Union, whereby, as fully declared, enacted, and ſpecified in ſundry Acts of Parliament in this kingdom, this Realm of Ireland is for ever united and knit to the Imperial Crown of England, and as a member, appending and rightfully belonging thereto.

3dly. Becauſe, although in every ſentiment of duty, affection and reſpect, towards his Royal Highneſs, we hold ourſelves equal to, and will not be exceeded by, any of thoſe who join in the ſaid Addreſs, or by any other perſon whatſoever; and

are, and ever ſhall be, ready to lay down our lives and fortunes in the ſupport and maintenance of the juſt Rights of our moſt Gracious Sovereign, and of every branch of his Royal and Auguſt Family: we cannot pay any compliment to his Royal Highneſs, or to any one, at the expence of what we conſider as great Conſtitutional principles; and we cannot (for ſuch are the workings of duty, affection and reſpect in our breaſts) join in the ſaid Addreſs, which may, as we are apprehenſive, bring difficulty and embarraſſment upon his Royal Highneſs, already too much oppreſſed by the great calamity which hath befallen our moſt Gracious Sovereign, his Royal father.

(SIGNED)

LIFFORD, C.	VALENTIA.
R. DUBLIN.	MORNINGTON,
HARBERTON.	By Proxy,
LONGFORD.	COURTOWN,
BECTIVE	By Proxy.
CHETWYND.	G. L. KILMORE.
HILLSBOROUGH.	RANELAGH.
ALTAMONT,	MOUNTMORRES.
By Proxy.	

DISSENTIENT,

For the ſecond reaſon in the foregoing Proteſt;

And alſo, becauſe, feeling every ſentiment of duty, reſpect, and attachment to his Royal Highneſs the Prince of Wales, and thinking him the only proper perſon to be appointed to this high ſtation, I conſider, that to addreſs his Royal Highneſs to accept the Regency of this Kingdom, before we have any authority to know that he is as yet appointed Regent of Great Britain, is inviting him to aſſume a power which, under the actual and exiſting Conſtitution of Ireland, he cannot exerciſe, in as much, as by ſtatute 10th of Henry VII. no Bill can receive the Royal Aſſent here, that is not certified from Great Britain under the Great Seal of England, and until his Royal Highneſs ſhall have authority to direct the uſe of that Great Seal, he cannot diſcharge the functions of the regal

office for Ireland; it being impoſſible, according to the Laws and Conſtitution of this Kingdom, that any perſon ſhould be Regent of Ireland, who is not, at the ſame time, Regent of Great Britain. GLANDORE.

DISSENTIENT,

1ſt. Becauſe, with an anxious deſire that the Regency of this kingdom, during his Majeſty's indiſpoſition, ſhould be conferred on his Royal Highneſs the Prince of Wales in a manner moſt expreſſive of reſpect and affection to his Royal Highneſs, and convinced that his Royal Highneſs will think that mode of appointment moſt expreſſive of duty and affection, which is conſtitutional, and muſt conduce to preſerve the connection between Great Britain and Ireland inſeparable, we conſider an Addreſs of the two Houſes of Parliament, purporting, of its own authority, to confer Royal power, at a time when they are fully competent to paſs a Bill for the purpoſe of effectually providing for the exerciſe of the ſame, to be a moſt dangerous violation of the fundamental principles of the Conſtitution.

2dly. Becauſe the connection between Great Britain and Ireland (on which the ſafety of the Conſtitution in church and ſtate depends) is preſerved and maintained by the unity of the executive power alone; and yet the Addreſs propoſed by the Reſolution now paſſed, is to appoint his Royal Highneſs Regent of Ireland, without our being certain that his Royal Highneſs is, or will be, Regent of Great Britain; and without making any proviſion, that his Royal Highneſs ſhall not continue to be Regent of Ireland longer than he ſhall be Regent of Great Britain: thus expoſing to *chance* and accident the preſervation of the only bond of *that* connection between the *countries*, upon which all that is dear to us depends, and making a precedent that may be of the moſt fatal conſequence to poſterity.

TYRONE.
WM. OSSORY.
WM. LEIGHLIN AND FERNS.
BELLAMONT.

DISSENTIENT,

For the firſt reaſon in the Proteſt immediately preceding;

And alſo, Becauſe we conſider, that if by virtue of this Addreſs alone his Royal Highneſs the Prince of Wales ſhall take upon himſelf the regal powers of this kingdom, his Royal Highneſs will by ſuch aſſumption be drawn in to decide upon an important Conſtitutional queſtion, equally affecting Great Britain and Ireland.

And alſo, Becauſe we conſider theſe words in the Addreſs, "and no longer," as unneceſſary, and at the ſame time diſreſpectful to the Prince of Wales, tending to convey an idea that this country can confer, or that the Prince might continue to hold over the powers of a Regent for a longer time than the continuation of the King's indiſpoſition incapacitated his Majeſty from being reſtored to the full exerciſe of the powers appertaining to the Crowns of Great Britain and Ireland.

CARHAMPTON.
CONYNGHAM.

To His Royal Highness *GEORGE PRINCE OF WALES.*

The humble Addreſs of the Lords Spiritual and Temporal, and Knights, Citizens, and Burgeſſes, in Parliament aſſembled.

"May it pleaſe your Royal Highneſs,

"We, his Majeſty's moſt dutiful and loyal ſubjects, the Lords Spiritual and Temporal, and the Commons of Ireland, in Parliament aſſembled, beg leave to approach your Royal Highneſs, with hearts full of the moſt loyal and affectionate attachment to the perſon and government of your Royal Father, to expreſs the deepeſt and moſt grateful ſenſe of the numerous bleſſings which we have enjoyed under that illuſtrious Houſe, whoſe acceſſion to the Throne of theſe realms has

has eſtabliſhed civil and conſtitutional liberties upon a baſis which we truſt will never be ſhaken; and at the ſame time to condole with your Royal Highneſs upon the grievous malady with which it has pleaſed Heaven to afflict the beſt of Sovereigns.

"We have, however, the conſolation of reflecting, that this ſevere calamity hath not been viſited upon us, until the virtues of your Royal Highneſs have been ſo matured as to enable your Royal Highneſs to diſcharge the duties of an important truſt, for the performance whereof the eyes of all his Majeſty's ſubjects of both kingdoms are directed to your Royal Highneſs.

"We therefore beg leave humbly to requeſt, that your Royal Highneſs will be pleaſed to take upon you the government of this realm, during the continuance of his Majeſty's preſent indiſpoſition, and no longer; and under the ſtyle and title of Prince Regent of Ireland, in the name and on the behalf of his Majeſty, to exerciſe and adminiſter, according to the laws and conſtitution of this kingdom, all regal powers, juriſdictions, and prerogatives, to the Crown and Government thereof belonging."

The following is the ANSWER *of the* PRINCE OF WALES *to the* IRISH COMMISSIONERS.

"My Lords and Gentlemen,

"The Addreſs from the Lords Spiritual and Temporal and Commons of Ireland, which you have preſented to me, demands my warmeſt and earlieſt thanks. If any thing could add to the eſteem and affection I have for the people of Ireland, it would be the loyal and affectionate attachment to the perſon and government of the King, my father, manifeſted in the Addreſs of the two Houſes.

"What they have done, and their manner of doing it, is a new proof of their undiminiſhed duty to his Majeſty, of their uniform attachment to the Houſe of Brunſwick, and their conſtant attention to maintain inviolate the concord and connection between the kingdoms of Great Britain and Ireland,

ſo

ſo indiſpenſably neceſſary to the proſperity, the happineſs, and the liberties of both.

" If in conveying my grateful ſentiments on their conduct, in relation to the King my father, and to the inſeparable intereſts of the two kingdoms, I find it impoſſible to expreſs adequately my feelings on what relates to myſelf, I truſt you will not be the leſs diſpoſed to believe that I have an underſtanding to comprehend the value of what they have done, an heart that muſt remember, and principles that will not ſuffer me to abuſe their confidence.

" But the fortunate change which has taken place in the circumſtance which gave occaſion to the Addreſs agreed to by the Lords and Commons of Ireland, induces me to delay for a few days giving a final anſwer, truſting that the joyful event of his Majeſty's reſuming the perſonal exerciſe of his Royal Authority, may then render it only neceſſary for me to repeat thoſe ſentiments of gratitude and affection to the loyal and generous people of Ireland, which I feel indelibly imprinted on my heart."

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